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Cultural Relativism—Power in Service of Interests: The Particular Case of Native American Education

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CULTURAL RELATIVISM—POWER IN SERVICE OF INTERESTS: THE PARTICULAR CASE OF NATIVE AMERICAN EDUCATION

DAVID BRYAN*

INTRODUCTION	644
I. THE LANGUAGE OF RELATIVISM	646
A. <i>Some History</i>	646
B. <i>The Basic Assumption of Relativism</i>	649
C. <i>The Principle of Relativism</i>	652
D. <i>Forms of Relativism</i>	653
II. PROBLEMS WITH THE RELATIVIST POSITION	655
A. <i>The Relativity of Fact and Value</i>	655
B. <i>As Method</i>	657
C. <i>As Philosophy</i>	659
D. <i>As Practice</i>	660
E. <i>Norm, Difference, Transformation: The Definition of a Culture</i>	663
III. THE POLITICS OF RELATIVISM	667
IV. THE PARTICULAR CASE OF NATIVE AMERICAN EDUCATION	668
A. <i>The Mission Period</i>	669
B. <i>The Treaty Period</i>	671
C. <i>The Era of Allotment and Assimilation</i>	673
D. <i>The Meriam Report and Indian Reorganization</i>	675
E. <i>The Termination Period</i>	680
F. <i>The Period of "Self Determination"</i>	684
CONCLUSION	691

*While this article was in the process of being prepared for publication, it occurred to me that my text should not celebrate gender. I proposed to substitute non-sex-specific pronouns, "hir" and "hirsself," for the archaic his/her and himself/herself, even in instances where a reader might object that the gender of the individuals to whom I refer is known. Time constraints imposed by the editors kept these and similar changes from the final printing. I encourage the reader to make these progressive changes on hir own.

INTRODUCTION

A civilization of those *Indian Nations* that live within the *British Dominions* in *North America* by which they might be made acquainted with, and enabled to obtain and enjoy, the conveniences and benefits of a social Life, taught Agriculture, and some of the more useful arts, and instructed in the Principles of sound Knowledge; by which their Manners might be humanized, a rational Submission to wholesome Laws and Regulations introduced, and their Minds prepared for the Reception of moral Virtues and Christian Doctrine; by which, in Time, they might be fitted to intermarry with our planters, and become profitable Members of the *British Commonwealth*, and faithful Subjects to his Majesty and the Laws of the Realm. Such a Civilization, no doubt, will appear to be a desirable Object to every humane and virtuous Mind, and a concern of national Importance to every sincere Lover of his Country.¹

These words, written by a loyal British subject, John Daniel Hammerer, expressed what was an "enlightened" point of view during the first half of the eighteenth century. The less "enlightened" and more common view is reflected in the often uttered and still familiar cliché that "the only good Indian is a dead one." Today, neither of these two points of view are very popular, whether in reference to Native American cultures or cultures located elsewhere in the world. We all have grown up in a culture whose educational system has been affected profoundly by Einstein's dismantling of the Newtonian-mechanical view of the world, anthropology's presentation of seemingly limitless cultural variety, and the mentality behind the epithet made popular during the 1960s: "different strokes for different folks."

John Daniel Hammerer's words are outrageous; not so much for their unbridled bigotry, but because they represent the arrogance and narrow-mindedness of those who would have the world believe that "their way" is better than the ways of others, and perhaps the *best* for which one can hope,² simply because it is "their way." "Enlightened" twentieth-century Western culture no longer unequivocally endorses statements of absolute knowledge, perfect understanding, or assertions of truth. Most of these are thought to be the opinions of "fanatics" (e.g., members of fundamentalist re-

1. J.D. HAMMERER, AN ACCOUNT OF A PLAN FOR CIVILIZING THE NORTH AMERICAN INDIANS. PROPOSED IN THE EIGHTEENTH-CENTURY 9-10 (1890). This text was published originally between 1730 and 1740.

2. See generally M. SAHLINS & E. SERVICE, EVOLUTION AND CULTURE 12-44, 69-122 (1960).

ligous movements) or, more likely, leftovers from a time long since past, when truth, understanding, and clarity were accepted—a time prior to science’s “discovery” that absolute truth is a creation of the less sophisticated mind. Today we understand that *all* things are relative.

The story of relativism—here, cultural relativism—is a story of power; power disguised as tolerance, disguised as neutrality, disguised as respect for other perspectives. In fact, relativist assertions that absolute truth is inaccessible and perhaps nonexistent—that the best we can ever hope for is knowledge tainted by our own cultural filters—ensures that all that life can ever be is a continuous battle of subjective desires. In a “relative world,” individuals and groups impose their desires, their sense of the proper order of the world, on others. They do so not because they are right, good, or true. These justifications are not possibilities in a relative world. Rather, they do so simply because they want to: power stripped of all pretense.

In this Article, I will examine the assertion of relativity, especially as it applies to Western understandings of and dealings with cultures different from our own.³ First, I will present a brief statement of the position of cultural relativism—the relative validity of the beliefs of one culture when compared with another. Next, I intend to show that the relativist position, articulated by anthropologists in particular and makers of policies in general, does not make internal sense; it is inconsistent on its own terms. I will argue that when relied upon to shape policy—one culture’s policy toward another culture with which it is in contact—statements of culturally relativistic policies simply are instances of rhetoric in the service of particular interests. The adoption of relativist policy is neither more nor less (nor other) than political action: Culture *A* adopts relativistic attitudes concerning Culture *B* only when the existence of Culture *B* and its practices present no significant threats to Culture *A* or when it is to Culture *A*’s advantage to do so. Implicit in

3. This Article makes no real attempt to explain how it is that one recognizes a culture as different from or similar to one’s own; though no doubt the issue of recognizing “the other” is indeed relevant to the topic at hand. Further, a consideration of the epistemology of difference is well beyond the scope of this Article. Herskovits’s quotation, *see infra* text accompanying note 28, is as good a “definition” as any. One might also refer to the “Hart-Devlin debates,” although these do not answer the question either. *See* P. DEVLIN, *THE ENFORCEMENT OF MORALS* (1965) and H.L.A. HART, *LAW, LIBERTY AND MORALITY* (1963).

such an assertion is a prediction: Culture *A*—a culture that might pride itself on its tolerance, open-mindedness, and overall embrace of principles of pluralism—will adopt policies toward Culture *B* that might be characterized as growing out of ethnocentrism and intolerance, when Culture *B*'s existence or practices stand in the way of Culture *A*'s interests.

In order to make this point less abstract, I will present an historical overview of the Western world's (particularly the British and American) attitudes toward Native Americans. I will discuss how policies concerning Native American education reflect alternatively ethnocentric and relativistic philosophies, depending upon the political mood(s) of the times.

I. THE LANGUAGE OF RELATIVISM

A. *Some History*

The presence of relativistic attitudes in recorded history dates back at least as far as Ancient Greece: "Fire burns both in Hellas and Persia; but men's ideas of right and wrong vary from place to place."⁴ This quote evinces a concern that would lie at the center of discourse regarding relativism for years to come: In what sense can one adopt a position that a particular act or belief is either right or wrong?

The controversy surrounding the topic of relativism made its way into the social sciences in the early twentieth century. According to Lowie,⁵ the biological and zoological practices of gaining knowledge by extrapolating backward—using information regarding presently existing plants and organisms in order to learn about the presumed structure and function of extinct species—gave rise to what has been called the comparative method of anthropological investigation. The comparative method has been described in the following terms: "To apply the comparative method, the varieties

4. ARISTOTLE, *NICOMACHEAN ETHICS*, quoted in A. FLEW, *A DICTIONARY OF PHILOSOPHY* 281 (1979). There is no doubt that conversation regarding the validity of relativism and absolutism preceded Aristotle's quote. See, e.g., PLATO, *THEATETUS* 170a-172b. In the course of this volume concerning the question of the definition of knowledge, Plato critiques the position of individual relativism. For a brief but comprehensive summary of Plato's assault on Sophistic rhetoric and its relativistic position, see Hikins, *Plato's Rhetorical Theory: Old Perspectives on the Epistemology of the New Rhetoric*, 32 *CENT. STS. SPEECH J.* 160 (1981).

5. R. LOWIE, *HISTORY OF ETHNOLOGICAL THEORY* 19-29 (1937).

of contemporary institutions are arranged in a sequence of increasing antiquity. This is achieved through an essentially logical, deductive operation. The implicit assumption is that the older forms are the simpler ones"⁶ The assumption upon which such a method is based is, quite simply, that merely by looking social scientists should be able to determine that

the existing races, in their respective stages of progression may be taken as the bona fide representatives of the races of antiquity. . . . They thus afford us living illustrations of the social customs, the forms of government, laws, and warlike practices, which belong to the ancient races from which they remotely sprang.⁷

In the late nineteenth and early twentieth centuries, the conclusions drawn from observations of "primitive" societies through the use of the comparative method of investigation were interpreted so as to support an evolutionary theory of cultural development. Just as the human being was thought to represent the ultimate product of biological evolution,⁸ knowledge about "primitive" cultures was considered evidence in support of the belief that Euro-American societies were the "flowering[s] of human experience."⁹

As some historians of this period tell it,¹⁰ during the early 1900s the complacent acceptance of the believed cultural superiority of Euro-American society began to be challenged. World War I and the economic problems that preceded and followed (especially the Great Depression of the late 1920s and early 1930s) pointed rather dramatically to imperfections in the "flowering of human experience." Scholars and students of other cultures began to talk about the adaptability and appropriate adjustments made by indi-

6. M. HARRIS, *THE RISE OF ANTHROPOLOGICAL THEORY* 151 (1968).

7. A. LANE FOX PITT-RIVERS, *THE EVOLUTION OF CULTURE AND OTHER ESSAYS* 53 (J.L. Meyers ed. 1906), *quoted in* M. HARRIS, *supra* note 6, at 151.

8. Oddly enough, this point is never questioned by the cultural relativists. Inconsistency is often so convenient.

9. M. HERSKOVITS, *CULTURAL RELATIVISM: PERSPECTIVES IN CULTURAL PLURALISM* 7 (1972). Lowie pointed out that the problems with the interpretations made by the comparative investigators were not necessarily problems with method. R. LOWIE, *PRIMITIVE SOCIETY* 440-41 (1920). Many researchers avoided making the gross generalizations for which comparativists have come to be known. For a relatively thorough overview of the history of this period in the field of anthropology, see M. HARRIS, *supra* note 6, at 142-79.

10. The works of Harris, *supra* note 6, and Herskovits, *supra* note 9, are pertinent examples.

viduals and groups in other cultures.¹¹ The theory of cultural evolution came under strong criticism as did the point of view that human civilizations could be evaluated as either better or worse, relative to one another.¹²

According to Herskovits, reaction *against* the view that Euro-American societies were evolved more highly and a stage toward which all other cultures were moving reached its peak at the end of World War I with scholarly denial that there are *any* laws of cultural and social development.¹³ According to this point of view, it was impossible to evaluate a culture in terms of good or bad, high or low, or the like. As Lowie, one of the most outspoken of those who would be called cultural relativists, put it:

If inherent necessity urges all societies along a fixed path, metaphysicians may still dispute whether the underlying force be divine or diabolic, but there can at least be no doubt as to which community is retarded and which accelerated in its movement toward the appointed goal. But no such necessity of design appears from the study of culture history. Cultures develop mainly through the borrowing due to chance contact. Our own civilization is even more largely than the rest a complex of borrowed traits. The singular order of events by which it has come into being provides *no schedule for the itinerary* of alien creatures. Hence, the specious pleas that a given people must pass through such or such a stage in *our* history before attaining this or that destination can no longer be sustained.¹⁴

For years Lowie continued to argue for the relativist position, berating the ethnocentric scholars of the past—in particular Lubbock.¹⁵ Today, many of Lubbock's conclusions still seem incredible and hardly what would be considered serious scholarship:

The Adamese have "no sense of shame"; "many of their habits are like those of beasts." The Greenlanders have no religion, no worship, no ceremonies.

11. The interested reader is directed especially to the work that came out of the Institut d'Ethnologie de Paris after World War I. For an interesting recounting of this period and its works, see Clifford, *On Ethnographic Surrealism*, 23 COMP. STUD. SOC'Y & HIST. 539 (1981).

12. M. HERSKOVITS, *supra* note 9, at 7-8.

13. *Id.*

14. R.H. LOWIE, *supra* note 9, at 440-41 (emphasis added).

15. John Lubbock, a late-nineteenth-century British prehistorian was a significant voice in evolutionist scholarship. Using the comparative method, borrowed from geological archeology, Lubbock attempted to recreate the life of the "paleolithic" and "neolithic" peoples. See, e.g., the following works by Lubbock: PRE-HISTORIC TIMES, AS ILLUSTRATED BY ANCIENT REMAINS AND THE MANNERS AND CUSTOMS OF MODERN SAVAGES (1865); THE ORIGIN OF CIVILIZATION AND THE PRIMITIVE CONDITION OF MAN; MENTAL AND SOCIAL CONDITION OF SAVAGES (1870). For a more detailed treatment, see M. HARRIS, *supra* note 6, at 142-79.

The Iroquois have no religion, no word for God. Fuegians not the least spark of religion. "[T]here can be no doubt that, as an almost universal rule, savages are cruel."¹⁶

In light of the growing realization that Euro-American society was far from perfect, such absolutist, ethnocentric statements led scholars like Lowie to call for the complete abandonment of all subjective judgements when viewing other cultures: "Sir John's [Lubbock] writings teem with subjective judgments, naively passed on the basis of resemblance to or deviation from European standards. The Hottentots are 'disgusting,' the Australians 'miserable savages' . . . he is himself constantly mortified, shocked, horrified by the savage scene."¹⁷ In its proper historical perspective, the rise of cultural relativism must be understood as a reaction against the frequently incredible and often obnoxious judgments and assertions made by the comparative evolutionists—assertions and judgments based upon a presumed racial superiority of Euro-Americans and intended to justify both Euro-American institutions and Euro-American practices toward the "lesser" peoples of the world.

B. *The Relativist Position: The Basic Assumption of Cultural Relativism*

Since the early twentieth century, the relativist position has been a topic of discussion and debate within the many fields of science.¹⁸ Periodically, someone from within the academic commu-

16. These are quotes and extrapolations from Lubbock's work, quoted by Lowie and reprinted in M. HARRIS, *supra* note 6, at 162 (emphasis added).

17. *Id.* (quote by Lowie commenting on Lubbock's work).

18. The list of authors and articles attempting to explicate the relativist position is enormous. As might be expected, this has led to a variety of relativist positions, some extreme, others less so. See, e.g., Leff, *In Search of Ariadne's Thread: A Review of the Recent Literature on Rhetorical Theory*, 29 CENT. STS. SPEECH J. 73 (1978); Brummett, *A Defense of Ethical Relativism as Rhetorically Grounded*, 45 W.J. SPEECH COM. 286 (1981) [hereinafter Brummett (1976)]; McGuire, *The Ethics of Rhetoric: The Morality of Knowledge*, 45 S. SPEECH COM. J. 133 (1980).

See also the literature "dialogues": Brummett, *Some Implications of "Process" or "Intersubjectivity": Postmodern Rhetoric*, 9 PHIL. & RHETORIC 21 (1981) [hereinafter Brummett (1981)]; Orr, *How Shall We Say: "Reality Is Socially Constructed Through Communications"?*, 29 CENT. STS. SPEECH J. 263 (1978); Farrell, *Knowledge, Consensus, and Rhetorical Theory*, 62 Q.J. SPEECH 1 (1976); Carleton, *What is Rhetorical Knowledge? A Response to Farrell—And More*, 64 Q.J. SPEECH 313 (1978); Farrell, *Social Knowledge II*, 64 Q.J. SPEECH 329 (1978); Cherwitz & Hikins, *Towards a Rhetorical Epistemology*, 47 S. SPEECH COM. J. 135 (1982); Croasmun & Cherwitz, *Beyond Rhetorical Relativism*, 68 Q.J. SPEECH 1 (1982); Brummett, *Consensus Criticism*, 49 S. SPEECH COM. J. 111 (1984).

nity claims to have arrived at a method by which one can evaluate the progress or superiority of a people or culture from some neutral, objective perspective.¹⁹ Thereafter, champions of the relativist position are quick to point out the obvious enculturated bias embedded within the "objective" position.

The variety of arguments asserting and defending the relativist position are diverse and not wholly consistent with one another. All, however, claim to be representative of cultural relativism in one form or another. Despite the diversity, there does seem to be a common thread, an underlying assumption upon which all statements of cultural relativism rely: "Judgements are based on experience, and experience is interpreted by each individual in terms of his own, enculturation."²⁰ That is, *any* judgment one makes about any topic is based upon the experience(s) of the person making the judgment. One's experience is a function of the culture in which one lives—or perhaps the culture which "lives inside" the individual. Thus any judgment must necessarily be, at least in part, a function of culture.

Three justifications commonly are offered in support of this underlying assumption. First, the relativist offers empirical evidence that different cultures disagree on standards of normality and explanations of events. For example, Herskovits uses the example of the different attitudes towards and explanations of vari-

Unless otherwise stated, the term "relativism" hereinafter refers to cultural relativism.

19. For one example of this, see M. SAHLINS & E. SERVICE, *supra* note 2, at 6, which attempts to justify and further the work of Leslie White. The authors claim that a culture-free determination of cultural superiority can be made by examining the degree to which a culture transforms and utilizes energy and integrates that energy into an increasingly complex social order. According to Sahlins and Service, the superior culture is the most progressed, the largest in scale and complexity, the most environmentally unconstrained.

It is curious that Sahlins and Service failed to recognize any problem with equating increased complexity and productivity with progress and superiority. Recognition of complexity and productivity is indeed a culturally related phenomenon—not all cultures do this. However, even if one were to accept the proposition that complexity and productivity are neutral and descriptive, associating these with progress and superiority is simply a return to the ethnocentric positions of the nineteenth-century Euro-American elitists. For a critique of the Euro-American cultural notion of progress, see D. Richards, *European Mythology: The Ideology of Progress*, in CONTEMPORARY BLACK THOUGHT: ALTERNATIVE ANALYSES IN THE SOCIAL AND BEHAVIORAL SCIENCES 59 (M. Asante & A. Vandi eds. 1980).

20. M. HERSKOVITS, *MAN AND HIS WORKS* 63 (1964). Herskovits argues that the statement quoted here is in fact the "principle of cultural relativism." *Id.* It is, however, more appropriately described as the assumption upon which the principle of relativism is based, rather than the principle itself.

ous states of organismic excitation offered by African Blacks on the one hand and New World Blacks on the other.²¹ To the African, states of frenzy and excitation might easily be explained as "possession," the god "come to the head" of the worshipper. The condition is quite *normal* and in fact desired by many individuals among certain cultures. What seems like the same condition is understood by New World Blacks as an abnormal condition of illness caused or created by a variety of undesired matrices of conditions and requiring treatment and cure of one sort or another.

The second and third justifications are related to one another. Psychologists and scientists who study perception assert that perception is *not* simply a physiological function whereby raw cues impinge upon anatomical structures producing physiological change. Rather, a selection or abstraction process occurs whereby various cues are selected, organized, and interpreted. This process of selection, organization, and interpretation is said to be largely a function of one's prior experiences within a particular cultural setting.²²

Closely related to this perceptual justification is the assertion that all experience is mediated by one's symbol system. What counts as experience is dependent upon the nature—both the structure and content—of one's symbolic universe. The linguistic relativists,²³ upon whose work this justification rests, claim that someone whose language is based upon a linguistic structure different from the linguistic structure of the romance languages has a significantly different experience of the world than one who speaks

21. M. HERSKOVITS, *supra* note 9, at 19-21.

22. Support for this thesis is extensive. See, e.g., A. KORZYBSKI, *SCIENCE AND SANITY: AN INTRODUCTION TO NON-ARISTOTELIAN SYSTEMS AND GENERAL SEMANTICS* (1958); H. BROWN, *PERCEPTION, THEORY AND COMMITMENT* (1977); T. KUHN, *THE STRUCTURE OF SCIENTIFIC REVOLUTIONS* (1962); P. WATZLAWICK, *HOW REAL IS REAL?* (1976); B. WHORF, *LANGUAGE, THOUGHT, AND REALITY* (1956). An examination of any number of books or articles from the many schools of symbolic interactionism is also useful. See, e.g., G.H. MEAD, *MIND, SELF AND SOCIETY* (1934). For those less trusting of the "softer sciences," one might begin with the standard physiology text, A. VANDER, J. SHERMAN & D. LUCIANO, *HUMAN PHYSIOLOGY—THE MECHANISMS OF BODY FUNCTION* (1975).

23. Linguistic relativity is sometimes referred to as the "Sapir-Whorf hypothesis," after two major proponents of the theory, Edward Sapir and Benjamin Lee Whorf. The assertion is that peoples' experiences and perceptions of reality are a function of the structure of their languages. For a brief description, see S. LITTLEJOHN, *THEORIES OF HUMAN COMMUNICATION*, 131-33 (1978). For a more thorough understanding, see E. SAPIR, *LANGUAGE: AN INTRODUCTION TO THE STUDY OF SPEECH* (1921); B. WHORF, *supra* note 22, at 1-34.

(thinks) in a traditional Euro-American language. As one linguistic relativist put it: "[W]e dissect nature along lines laid down by our native languages."²⁴ An objective view of reality is impossible.

It is quite clear that the spokespersons for relativism believe that cultural subjectivity affects *all* matters of judgment. Relativists claim that *any* assertion of "objective truth"—whether concerning morality or so-called factual data—can be understood as ethnocentric and based upon invalid assumptions of similarity among cultures. Statements regarding another culture that are based upon such an assumption are considered by the relativist to be either falsely grounded or, more likely, erroneous.

C. *The Principle of Relativism*

From the basic assumption that all judgment is based upon an individual's enculturated experience, follows the principle of relativism.²⁵ Since all perceptions and interpretations of fact and value²⁶ inevitably are rooted in culture-bound subjectivity, there exists no basis upon which one set of beliefs and understandings about the world can be said to be correct and another mistaken. That is, since all evaluation and understanding is culture bound, there is no culturally free way of evaluating *any* assertion of fact or value. An alternative reading of the relativist position is that one set of beliefs is no more or less correct than another.

Although the difference between the two relativist positions is not always critical, there is indeed a difference. The first position states that we have *no way of knowing* whether one culture's beliefs are correct and another's incorrect. The second claims that there is *no possibility* of the existence of objective and absolute standards of either moral or factual truth. Neither position allows for the possibility of making a culture-free judgment concerning the superiority—moral or otherwise—of one culture over another.²⁷

24. B. WHORF, *supra* note 22, at 213.

25. Perhaps a better expression is "principles of relativism," since it is not at all clear that there exists a single relativist assumption.

26. The distinction between fact and value is merely conventional. Ultimately, the two cannot be maintained as separate categories.

27. The distinction between these two does not make a great deal of difference for the purposes of this Article, except when it comes to understanding the problems of relying on cultural relativism as a viable methodological approach. This will be discussed further on. See *infra* text accompanying notes 38-48. Cf. Croasmun & Cherwitz, *supra* note 18, at 1-3, who suggest that the difference is one of epistemology and ontology.

According to the proponents of relativism, it is important to bear in mind that cultural relativism makes its claim with regard to the impossibility of culturally free evaluation of *cultures*, not about the values, beliefs, practices and mores of *individuals* or *groups* within a culture:

Cultural relativism, in all cases, must be sharply distinguished from concepts of the relativity of individual behavior, which would negate all social controls over conduct. . . . The very core of cultural relativism is the social discipline that comes of respect for differences—mutual respect. Emphasis on the worth of many ways of life, not one, is an affirmation of the values in each culture. Such emphasis seeks to understand and to harmonize goals, not to judge and destroy those that do not dovetail with our own.²⁸

Behavioral anarchy is not a tenet of cultural relativism.

In addition, many relativists think it significant that they do not deny the existence of *universal* cultural forms. Instead, the relativist rejects only fixed *absolutes*:

To say that there is no absolute criterion of values or morals, or even, psychologically, of time or space, does not mean that such criteria, in differing forms, do not comprise universals in human culture. Morality is a universal, and so is enjoyment of beauty, and some standard of truth. . . . The many forms these concepts take are but products of the particular historical experience of the societies that manifest them. . . . But the basic conceptions remain, to channel thought and direct conduct, to give purpose to living.²⁹

D. *Forms of Relativism*

Although one can extract three forms of relativism from the writings of many of its proponents, Herskovits was the first to articulate the importance of clearly distinguishing three overlapping but discernably distinct roles in the service of which cultural relativism is given life in the world of human activity.³⁰ Relativism can be understood as method, philosophy, and practice.

As *method*, in contrast to the ethnocentric position of Lubbock and his fellow nineteenth- and twentieth-century comparativists, the relativist position asserts that "the modern [relativistic] scientific procedure is to refrain from *all* subjective pronounce-

28. M. HERSKOVITS, *supra* note 9, at 11. It is not at all clear that distinguishing between the relativity of individual and of cultural behavior makes relativism nonjudgmental. See *infra* section II(E).

29. M. HERSKOVITS *supra* note 9, at 32.

30. *Id.* at 32-33.

ments."³¹ Relativists claim that in order for one to be truly objective when studying another culture (or as nearly objective as humanly possible), one must suspend to the greatest extent possible one's own judgments, beliefs, and culturally-shaped interpretation, and simply report the observed behavior in terms of the established relationships within the culture itself.³² That is, one must attempt to observe and understand a culture on its own terms.

Having accumulated (relatively) objective and unbiased information concerning the behaviors and beliefs of others, one begins to understand all behaviors and beliefs—and, in fact, culture itself—as the result of historically and contextually specific forces of conditioning. Relativism as *philosophy* becomes an epistemological view which recognizes the force of enculturative conditioning and historically particular situational factors that result in a culture's being the way it is. Although perhaps not completely rejecting a theory that all cultures pass through similar phases of evolution, relativist philosophy rejects the blind acceptance of the cultural evolutionist viewpoint. Values, practices, and beliefs of particular cultures are understood as unique creations; they can only be understood in terms of the unique characteristics that have emerged under particular historical conditions.³³

Armed with philosophical principles of relativism derived from data collected in accord with the rules of relativist methodology,

31. R. LOWIE, *supra* note 5, at 25.

32. See M. HERSKOVITS, *supra* note 9, at 32-33.

33. It is no surprise that many of the noted relativists of the twentieth century have adopted the same point of view. Many of these individuals—among them Lowie, Mead, Sapir, Herskovits, Benedict, Montagu, and Kroeber—were trained by Franz Boas, perhaps the most influential anthropologist of the twentieth century. Boas insisted that one could not (yet) understand the emergence and existence of particular cultures as the result of the workings of some theoretical universal process of cultural evolution. Although he did not reject the possibility of a universal guiding principle by which one might understand the existence of all cultural forms, he insisted that any such principle could only be discovered by an inductive research method—studying many particular instances of cultural variety and only then deriving a universal theoretical principle. Boas was reacting to the then prevalent method of anthropological research—fitting discovered instances of cultural variety into the preexisting theory of cultural evolution. Boas insisted that ethnographic research in the field ought to be a methodological threshold for any student seeking entrance into the profession. Although Boas himself did not reject the possibility of a universal theory of cultural evolution completely, many of his students did not maintain as open a mind on this point. For further reading on the influence of Boas, see M. HARRIS, *supra* note 6, at 250-89; M. HERSKOVITS, FRANZ BOAS (1953). See also F. BOAS, RACE, LANGUAGE AND CULTURE (1948) (author's discussion of the proper goals of anthropological research).

one develops practices and principles of conduct, intended to ensure the development and implementation of relativistic policies to be used in instances of intercultural contact. The relativist calls for *tolerance* toward *all* cultures, a respect for their individual integrity and dignity, and actions that support (or at least are not detrimental to) their continued survival:

In prescribing for other peoples a social programme we must always act on subjective grounds; but at least we can act unfettered by the pusillanimous fear of transgressing a mock-law of social evolution. Nor are the facts of culture history without bearing on the adjustment of our own future. To that *planless hodge-podge, that thing of shreds and patches called civilization*, its historian can no longer yield superstitious reverence. He will realize better than others the obstacles to infusing design into the amorphous project; but in thought at least he will not grovel before it in fatalistic acquiescence but *dream of a rational scheme to supplant the chaotic jumble*.³⁴

A call for tolerance toward other ways of living, behaving, believing, and in all ways ordering one's world resulted not only from the intellectual understanding of the impossibility of the existence of absolute cross-cultural standards, but also from the felt and observed destructive results of the imposition of an alien will on the ways of another culture. Relativist practice sought to avoid this destruction.³⁵

II. PROBLEMS WITH THE RELATIVIST POSITION

This section examines the internal consistency of the relativist position. As previously stated, I will argue that the relativist position is inconsistent on its own terms. Cultural relativism can only make sense if it is considered in terms of its politics, the interests it supports.

A. *The Relativity of Fact and Value*

Relativism relies upon the basic assumption that all statements of fact and value necessarily are culturally and historically specific; no fact or value accepted by one culture necessarily has any validity for another, nor can they be considered to have been

34. R. LOWIE, *supra* note 5, at 441, quoted in M. HERSKOVITS, *supra* note 9, at 8 (emphasis added).

35. It must be noted that some relativists (e.g., Herskovits) made reference to "positive" aspects of ethnocentrism—group cohesion, cultural identity and the like. See M. HERSKOVITS, *supra* note 9, at 75, 81-82.

valid at other times. Likewise, what is a factual or moral verity today need not be such tomorrow. In short, the relativists assert that a belief in the certainty of either fact or value, unmediated by the culture and times within which one lives, is utter nonsense: "To be a relativist about value is to maintain that there are no universal standards of good and bad, right and wrong. . . . To be a relativist about fact is to maintain that there is no such thing as objective knowledge of realities independent of the knower."³⁶

The difficulty with such a position is immediately evident. Relativism states as a matter of *fact* either that there is no such thing as a set of beliefs or understandings more correct than any other, or, in the alternative, that all beliefs and values are cultural and thus we can *never know* if one set or another is correct for all cultures. At the same time, the relativist insists that all knowledge is in a sense "tainted by" or "infused with" culture and thus cannot be relied upon as valid or correct. Accepting the premise upon which the relativist position rests—the nonexistence of or the inability to know objectively true, unmediated facts or values—necessitates the rejection of the asserted validity of the relativist position as well. Relativism is reduced from a statement thought by its proponents to be true, to a subjective belief, the unique product of the culture in which it occurs.³⁷ Other than the fact that relativism is a widely accepted viewpoint in our culture, there is no reason to believe it; relativity enjoys no privileged position.³⁸

36. A. FLEW, *supra* note 4, at 281.

37. The term "unique to our culture" is not intended to suggest that no other cultures hold relativistic beliefs. However, there certainly are cultures that do believe in objective truth, facts, and values by which one can evaluate all others. See, e.g., B. JOHANSEN & R. MAESTAS, *WASI'CHU: THE CONTINUING INDIAN WARS* (1979); J. FIRE/LAME DEER & R. ERDOES, *LAME DEER: SEEKER OF VISIONS* (1972); J.H. BODLEY, *VICTIMS OF PROGRESS* 1-22 (1975); M. MARGOLIN, *THE WAY WE LIVED* (1981); V. DELORIA, *THE METAPHYSICS OF MODERN EXISTENCE* (1979).

38. A thorough response to the assertion that cultural relativism is hopelessly contradictory can be found in Dixon, *Is Cultural Relativism Self-refuting?*, 28 *BRIT. J. SOC.* 75 (1977). Dixon claims that to state that "[i]t is true that there are no truths" would indeed be self-refuting. *Id.* at 81. He nevertheless contends, with regard to the assertion that "all truths are culturally relative," that "[h]owever doubtful one might be about the ring of unfalsifiability or tautology of such a statement, it cannot surely be held to be self-refuting." *Id.* Dixon seeks to redefine the word "truth."

To a relativist, truth is not absolute. This is a relativistic definition; if everyone understood "truth" this way, there would be no need for cultural relativism. To one who believes in the Truth, "relative truth" is simply opinion; Truth is absolute. To say that all truths are

B. *As Method*

The problems with cultural relativism do not stop with its inherent inconsistency. As a guiding force behind a scientific methodology—in particular, anthropological methodology—proponents of relativism claim that it is an accurate, reliable and (relatively) nonsubjective means of describing the beliefs and practices of another culture.³⁹ The relativistic researcher seeks to “refrain from all subjective judgements.” Although relativists acknowledge that total objectivity is impossible, the effort to move in the direction of objectivity is considered essential.

The value of relativism as method suffers from numerous flaws, all relating back to relativism’s essential fallacy. First, and perhaps most obvious, according to relativism all perception is inevitably shaped by the culture within which the perceiver is immersed. The claim that one can somehow step outside of culture by becoming aware that it affects what and how one sees and understands is unfounded. The presumption that one can see through the distortion imposed on one’s vision by an enculturated past presupposes the existence of a value-free objective place from which one can locate accurately and negate the “silent workings” of culture. But such a place, a privileged position according to whose criteria one can “see clearly,” is precisely what the relativists have insisted is at least inaccessible and, quite likely, nonexistent. Thus, according to the relativist position, the desired movement toward objectivity of the relativistically guided scientific method is an impossibility.⁴⁰

One need not rely upon the assertion that perceptions are inevitably valued in order to discount the claim that cultural relativism functions as a credible methodology. The desire for an objective scientific method—a means by which one acquires knowledge in an orderly, measured fashion—is itself peculiar to a particular cultural view. Other cultures obtain their truths in numerous ways, using numerous methods. Scientists consider many of these meth-

“culturally relative” is to say: “There are only opinions (relative truths); there are no True statements.” In other words: “In our opinion there are only opinions.” There is surely no reason to believe *that* opinion.

39. See R. LOWIE, *supra* note 5; See also M. HARRIS, *supra* note 6.

40. I am well aware that this argument eliminates—or at least negates the value of—all positivist science. This does not trouble me at all.

ods supernatural, superstitious, and just plain "hocus-pocus."⁴¹ Some involve the ingesting of what science calls "mind-altering substances."⁴² Others require that the desiring knower participate in "ecstatic experiences."⁴³ All of these cultures, and perhaps all cultures, *believe* their truths, rely upon them, and trust them; their truths shape their worlds. Our science, with its goal of objectivity, is no less a cultural form: "One of the proudest achievements of our civilization is the development of the scientific approach to the problems of life. . . . [T]he essence of a philosophy based on the scientific method is constant questioning, continuous analysis, never-ending skepticism."⁴⁴ The major difference between the relativist method of truth-finding—science—and the methods of other cultures is that other cultures accept as true both the methods and their fruits—the knowledge obtained—whereas the relativist offers a method of inquiry, none of whose fruits can ever be accepted: "constant questioning, continuous analysis, never-ending skepticism." Only the method remains, continuously generating relative knowledge (if indeed that which is relative can be considered knowledge), never daring to turn on itself⁴⁵ for fear that it too

41. Perhaps the classic example is E.E. EVANS-PRITCHARD, *WITCHCRAFT, ORACLES AND MAGIC AMONG THE AZANDE* (1937). For a more recent discussion, see *Statement of 186 Leading Scientists Against Astrology*, HUMANIST, Sept./Oct. 1975, at 43. A critique of this statement can be found in P. FEYERABEND, *SCIENCE IN A FREE SOCIETY* 91-96 (1978).

42. See generally C. CASTANEDA, *THE TEACHINGS OF DON JUAN: A YAQUI WAY OF KNOWLEDGE* (1968); P.T. FURST, *FLESH OF THE GODS: THE RITUAL USE OF HALLUCINOGENS* (1972).

43. See, e.g., J. FIRE/LAME DEER & R. ERDOES, *supra* note 37; A. HULTKRANTZ, *THE RELIGIONS OF THE AMERICAN INDIANS* (M. Setterwall trans. 1979).

44. M. HERSKOVITS, *supra* note 9, at 6.

45. There have been many critiques of science and the scientific method. Although the arguments presented in these critiques are cogent, they have never received general acceptance. Science is still close to being a *god*, and *gods* do not die easily. See, e.g., P. FEYERABEND, *AGAINST METHOD* (1978); Bohm, *Science as Perception Communication*, in *THE STRUCTURE OF SCIENTIFIC THEORIES* (F. Suppe ed. 1974).

Although beyond the scope of this Article, a further criticism of the reliance on the relativist position as a method for achieving (or approaching) scientific objectivity is the recognition that what counts as "science" is politically motivated and historically specific. At any moment in history, science and so-called scientific objectivity serves certain interests. One need only recall the stories of Galileo's and Copernicus's difficulties with the Catholic Church, or look at the pattern of distribution of research funds in the fields of medicine, computer technology, geology, or the like to recognize at least some of the politics of science. See generally P. FEYERABEND, *supra*; see also A. GORZ, *ECOLOGY AS POLITICS* (1980); I. ILICH, *MEDICAL NEMESIS* (1976).

For an intriguing perspective regarding the subtle relationships of power involved in all that we consider to be knowledge, see the works of Michel Foucault, particularly *DISCIPLINE*

might vanish along with its created mercurial knowledge.⁴⁶

C. *As Philosophy*

An examination of the philosophy compelled by cultural relativism adds little that has not been stated already. A relativistic epistemology requires that one reject the possibility of certainty; all that we can ever know will be mediated by our culture in one way or another, and thus, will necessarily be un“true.” I have already attempted to show that any such claim requires a rejection of itself, since its genesis is culturally influenced and thus “true” only from a particular cultural viewpoint, but inapplicable to, and perhaps useless in understanding others. This argument need go no further.

One of the relativists’ more intriguing assertions is that relativism requires a rejection of the possibility of absolute criteria by which cultures can be evaluated but not certain other universal (pan-cultural) human considerations.⁴⁷ It is not at all clear that this distinction adds anything to the relativist position. Saying that two cultures have standards of morality—rules of behavior, the transgression of which are said to be bad or wrong—says only that our culture identifies the existence of a human “culture,” in

AND PUNISHMENT (1977); THE HISTORY OF SEXUALITY, VOLUME ONE: AN INTRODUCTION (1978); POWER/KNOWLEDGE (1980). For a concise treatment of the relationship between Foucault’s work on knowledge/power and law, see Katz, *Foucault For Lawyers* (originally distributed in 1982 by Buffalo Critical Legal Studies; to be published in vol. 33 of the *Buffalo Law Review*).

46. There is an additional objection to the relativist claim that one must suspend one’s value judgments in order to report the practices of other cultures accurately. Harris states this objection quite clearly:

The preposterous assumption here is that reliable descriptions of cannibalism and infanticide cannot be achieved by ethnographers who openly oppose these practices. But the two functions are not at all incompatible. We must presume at least that reliable descriptions have been submitted by ethnographers who openly expressed their distaste for cannibalism.

M. HARRIS, *supra* note 6, at 163. This is not a critique of the internal consistency of cultural relativism, nor can it be substantiated. Rather, it is an assertion that rests on the author’s “common sense” view of the world. In some sense it represents a position directly opposed to the relativist perspective; it eschews any recognition of the underlying assumption of relativism—one’s perception is shaped by one’s culture. Harris’ position adds nothing to the argument presented here. At the same time, as with many “common sense” assertions, it is highly regarded in some circles and accordingly should be noted.

47. See M. HERSKOVITS, *supra* note 9, at 32.

part, by the presence of those standards of group behavior.⁴⁸ The same is true for other so-called universals—*e.g.*, beauty, truth, gender, etc. Beyond this, the relativist can say nothing about the particular standards of one culture versus those of another, other than call attention to differences and similarities.

Moreover, the relativist can never be sure that what is recognized as morality in one culture has anything to do with the so-called morality of another. Categories such as morality (truth, beauty, gender, etc., as well) are researchers' categories, not necessarily the categories of another culture. The cultural relativist already has told us that our understandings of ourselves and others are all tainted with our own cultural subjectivity. The epistemology that necessarily follows from the relativist position requires that one understand all knowledge to be statements about the *knower*, not the object of inquiry; statements that can never lead to anything but temporary conclusions, since any attempts to interpret the results of our self-reflection are always subject to the same cultural distortion from which the results were derived. One is left again with nothing but descriptions upon which one *cannot* rely, since they are always tinted by the "cultural lenses" worn by the describer.

D. *As Practice*

Cultural relativists have not limited their assertions of the incommensurability of cultures to the worlds of research and scholarship (method and philosophy). Relativist philosophy is said to provide guidelines and considerations to be used when formulating and enacting policies to regulate cross-cultural contact.⁴⁹ Since one cannot judge whether any culture's beliefs and practices are good or bad, right or wrong, one ought to practice tolerance; one ought not act in such a way as to inhibit another culture's ability to *be* as it is and *act* as it does. Such a practice is not followed easily; in

48. Preserving the nonrelativity of universal categories might also be a way of distinguishing human from nonhuman "cultures." If one were to deny universal categories—truth, beauty, morality, etc.—there would remain only biological or behavioral means by which one could distinguish human groups from nonhuman groups. By preserving these categories one retains a means of identifying human groups more easily: "A human group is a collection of organisms that have standards of truth, beauty, morality, etc."

49. Facile assertions of this sort are widespread. See, *e.g.*, M. ASANTE, E. NEWMARK & C. BLAKE, *HANDBOOK OF INTERCULTURAL COMMUNICATION* (1979).

fact, not a single (vocal) relativist truly supports it.

Again the problems are evident. Were one to take seriously the "practical relativist imperative" described above, one would be forced to adopt a policy of nonintervention. Because we have no basis by which to evaluate the practices of another culture in terms of right or wrong, we are told that we, as a culture, must tolerate the practices of all other cultures. Few people would have trouble tolerating the existence of a culture whose diet includes dog and snakemeat. Fewer people would tolerate a culture's granting permission to its young male members to gang rape a young woman who has chosen to marry for love when the rules of that culture dictate otherwise. But not even the most strident of the relativists insists that our culture ought to tolerate behavior akin to the activities of Nazi Germany and the hordes of Ghenghis Khan. Relativists draw lines beyond which their tolerance will not extend.⁵⁰

What are we to make of this? On the one hand, we are told that none of the judgments we make about the activities practiced by others in another culture are valid except, perhaps, in our own eyes. There is no absolute right or wrong. And yet, we are told that certain practices cannot, will not, and ought not be tolerated. What strength are we to give to the words of relativist method and philosophy when in practice those words seem to take on a wholly different meaning? Perhaps this is too harsh a criticism. Perhaps the relativist position ought to be understood as applying only to situations that fall within certain unspecified parameters. But how are we to recognize these sorts of situations, to describe the parameters beyond which philosophy need not be put into practice?

One plausible response is that it is only appropriate to practice relativism when the culture toward which one's practices are directed is not destructive. One need not tolerate genocide, institutionalized torture, and similar *cruel* or *evil* activities, even when they are the *norm* of a particular culture.

However, whose standards of cruelty are to be used? How shall we determine whether the caste system of India or racist practices of the United States and South Africa are cruel or destructive? Are we not called upon to use our own standards of value and perceptions of fact to decide how it is that others ought

50. See, e.g., S. MOSER, ABSOLUTISM AND RELATIVISM IN ETHICS 153-87 (1968); M. HERKOVITS, *supra* note 9, at 32, 75.

to live? Or must we only impose our standards on another culture if its practices harm people physically? Does this standard include the destruction of the bodies of individuals who breathe air that has been polluted by industrial wastes, or only individuals who are sent to their death in gas chambers? And upon whose definition of "bodily effect" shall we rely? Does the body end with the flesh or ought we to consider a more expanded notion of "body" held by other cultures?

All of these unanswered questions force the relativist to draw lines and make distinctions using standards that we are told (by the relativists) have no basis outside a particular culture. Furthermore, when relativists draw lines,⁵¹ they are taking a position which in no way distinguishes them from many reflective moral absolutists who categorically condemn certain "atrocious" and "immoral" behaviors. The relativists can be understood as stating that cultures which practice policies we consider humanitarian, nondestructive, nonaggressive, and the like ought to be permitted to continue their practices; those that do not cannot be tolerated. In the realm of practice, relativism vanishes. So-called value-free positions are not maintained; contradictions abound. As Moser puts it:

On the one hand, these are the various epistemological and metaethical positions which lead the relativist to skepticism as far as cross-cultural value judgements are concerned. On the other hand, his liberal, humanitarian attitude prompts him to oppose the superiority complex of Euramerican civilization, its inhumanity toward other peoples, and its obtuseness in the matter of understanding other cultures. From this combination of heterogeneous reasons results the *relativistic set of values*, in which the right of a people to be different and to preserve its own way of life seem to *eclipse all other values*.⁵²

51. Herskovits is perhaps the most notable. See generally M. HERSKOVITS, *supra* note 9. There are others. For an expression of the relativist position, see the *Statement on Human Rights* which the executive Board of the American Anthropological Association submitted to a U.N. Commission trying to formulate a declaration of human rights. Executive Bd. of the Am. Anthropological Ass'n, *Statement on Human Rights*, reprinted in 49 AM. ANTHROPOLOGIST 539 (1947) (submitted to the United Nations Comm'n on Human Rights). The *Statement* was drafted by Herskovits. See also Steward, *Comments on the Statement on Human Rights*, 50 AM. ANTHROPOLOGIST 351 (1948) (criticizing *Statement on Human Rights*). For a (failed) attempt to salvage Herskovits's and the relativists' view, see Kovisto, *Moral Judgements and Value Conflict*, 12 PHIL. SCI. 57 (1945).

52. S. MOSER, *supra* note 50, at 186 (emphasis added). At times, Herskovits calls for a balance between what he considers two polar opposites: relativism and ethnocentrism. However, to choose the proper balance, one must rely upon one's culturally "tainted" judgment. The call for balances does nothing to answer the question: "Whose balance shall we adopt?"

The "relativists' values," as Moser refers to them, result in selective toleration. One need not tolerate the Nazi regime, the institutionalized racism of South Africa, nor the ethnocentric imperialistic endeavors of Europe and America in their dealings with other cultures. How to recognize the line beyond which toleration need not be "practiced" remains a mystery.⁵³

E. Norm, Difference, Transformation: The Definition of a Culture

The incoherence of relativism seems to grow when one considers the relativist distinction between individual and cultural relativism. Cultural relativists insist that they are discussing only the incommensurability of cultural beliefs, and are not saying that one must be equally tolerant of every individual within a particular culture. Cultural relativists respect and tolerate the beliefs and practices of a culture "as a whole," but not necessarily the nonconforming beliefs of individuals within that culture. Thus, the relativist supports the status quo, the established and dominant order of that culture.⁵⁴

See M. HERSKOVITS, *supra* note 9, at 75.

53. Critics who read this Article during its genesis have claimed that there are methods by which one can "recognize the line" and thus justify ethical decisions regarding the practices of other cultures and people. One of these relies upon a concept referred to as the "Self as a Field of Selves." Essentially the claim is that since a person (a self) is a product of the community (other selves), any denial of affiliation with that community and its standards need not be accepted. That is, "once you're in, you can't get out." For a discussion of this concept, see W.C. BOOTH, *MODERN DRAMA AND THE RHETORIC OF ASSENT* 126-37 (1974).

Another method relies upon a concept referred to as the "Great Reservoir of Good Reasons." This "strategy" asserts that the violation of one community ethical standard, even if the violator rejects that standard, might also violate other community standards that the violator accepts. For example, punishing a murderer who rejects the community standard that prohibits murder can be justified by punishing the murderer for disturbing the peace, a community standard that the murderer has (perhaps) not rejected. See Brummett (1981), *supra* note 18, at 296-98.

Neither of these methods "recognize the line"; rather, each *constructs* it. The first (Self as a Field of Selves) simply imposes upon all individuals a rule regarding community boundaries and membership: "Once you're in, you can't get out." See *infra* note 57. In a world of only relative truth, there is no moral justification for favoring this rule over some other, for instance, "I can get out anytime I want to." The second (Great Reservoir of Good Reasons) is a technical trick; a search for a way to feel justified when imposing one version of community values upon whomever is forced into *that* community.

54. This understanding of the dynamics of cultural relativism and those who profess and practice the doctrine is not espoused by this author alone, nor is it solely the viewpoint of those who play out relativism on its own terms:

Relativists have placed themselves in an uncomfortable and elusive position when it comes to cultural reform. Intracultural conflict and tension—for instance, an internal revolution against the established order—cannot be supported by relativists, since according to the relativists a sharp distinction is necessary between cultural relativism and “the relativity of individual behavior which would negate all social controls over conduct.”⁵⁵ Social controls are necessary, say the relativists, in order for a culture to exist. At the same time, the relativists must allow for some cultural transformation from within, since to impede the ways of a culture is to impose an external order. Which sorts of transformation and intracultural calls for change count as the ordinary “workings of a culture” (and therefore are to be supported), and which are those sorts of “individual episodes” in defiance of social controls (the sort of activity that would only be supported by the individual relativist, representing a threat to “all social controls,” and thus to the culture itself)? Relativism provides no answer. Its proponents must take no sides since to do so would be to make a judgment regarding cultural preferences, contrary to relativist doctrine.

A transformation from *without*, the sort of situation which gave birth to cultural relativism, must be looked upon with disfavor. However, a similarly focused transformation whose origin is from *within* might be seen as normal cultural transformation, of no special danger, and thus the sort of intracultural activity that ought to be supported and studied.

The sorts of intracultural changes that the dominant order of a culture understands as signs that the proponents of such changes are no longer members of the dominant culture, but instead have become “invaders” from without, present still more problems for the relativists. The “invaders” see themselves as trying to change

In various parts of the world, according to Levi-Strauss, people now find it distasteful to be subjected to ethnographical investigation. The mere fact that we study their beliefs and customs which differ from our own seems to them to confer upon these differences an absolute status. The natives prefer to regard the differences as merely temporary.

S. MOSER, *supra* note 50, at 187.

Modern anthropology finds itself in a dilemma: “For it is out of deep feeling of respect toward cultures other than our own that the doctrine of cultural relativism evolved; and it now appears that this doctrine is deemed unacceptable by the very people in whose behalf it was upheld.” Levi-Strauss, *The Disappearance of Man*, 7 N.Y. REV. BOOKS (1966), *quoted in* S. MOSER, *supra* note 50, at 187.

55. M. HERSKOVITS, *supra* note 9, at 11.

the ways, and perhaps what they consider the abuses, of the past. Whose definition of the culture's boundaries will be accepted? Herskovits suggests that the relativists must accept the cultural definition offered by the dominant order, for the deviants represent the threat to "social controls over conduct."⁵⁶ But why not accept the deviants' definition of their culture? The relativist has no basis by which to make such a judgment. Suppose that both the deviants and the dominant order agree—this sort of change indeed does indicate that its proponents are no longer members of the dominant order's culture. What does the relativist do then, castigate the old for trying to prevent and destroy the new, or the reverse? How are any of these selections regarding cultural definition and practice to be made? According to whose definitions? Must the dominant order be supported simply because it is dominant? Whose standards will dictate such action, those of the dominant order? Those of the deviants? Perhaps the standards of the "valueless," "standardless" relativists themselves?⁵⁷

Again, it is clear that relativism by its own words has described a set of doctrines that in no way can solve the problems it confronts. Far from the supposedly coherent and consistent theory so vigorously defended by its proponents, relativism presents a continually fluctuating conception of the world. Notions of normality, similarity, difference, and change are permitted to shrink, expand, and change shape according to the needs and perceptions of the relativist. One must accept and support normality—the cultural definition offered by its dominant members—when consider-

56. *Id.*

57. Many versions of relativism set standards by importing values "by force." For instance, Brummett (1976), *supra* note 18, at 34, seems to suggest that one simply "count." The greater the number of "significant others" who agree with a proposition, the truer that proposition is. Elsewhere, Brummett borrows a concept from W.C. Booth, "Self as a Field of Selves." Brummett (1981), *supra* note 18, at 296-98. According to this conception, people are a product of members of their communities. Thus, despite a proclaimed disassociation from one's community, "membership in the community is durable; it cannot be willed away." *Id.* at 297.

Other techniques of justifying decisions, despite the relativistic impossibility of grounding them in anything but agreement, result in similar "importations of ethical standards by force," guidelines by which one can justify choosing one option over another, accepting one "truth" instead of another. See, e.g., Leff, *supra* note 18, at 84-87. The problem with this is always the same. If no standards can be universal, none of these responses to the dilemma are justifications; they are simply the preferences of their originators. And again, why these standards and not others?

ing individuals within a culture. One need not tolerate all individual standards of behavior; one need only tolerate the dominant order of a culture, the interests and understandings of those in power. Differences within a culture need not necessarily be tolerated; differences between cultures must be tolerated, but only when those differences do not go beyond certain unstated limits.

Perhaps the relativists claim to have made some discovery concerning the truth about the world community; what is tolerated by a given culture must be tolerated by the other cultures within the world community. However, as has been shown to be the case, only some cultures within the universe of possible cultures in a world community need be tolerated. Presumably, where deviant individuals seek to transform the dominant order of culture in ways congruent with the relativists' conceptions of desirable cultures, the deviants will be supported by the relativists. Similarly, in those instances where the internal transformers seek ends that do not fit within the relativists' parameters of proper behavior in the world community, no such toleration or support is warranted.⁵⁸

In light of other relativist theories and practices, taking relativist distinctions between cultural and individual relativism seriously does nothing to eliminate its difficulties. Instead, the distinction raises serious issues as to how one recognizes and defines a culture or the distinctions between cultures. Is a commune situated in a New York forest another culture to be treated according to the so-called standards of cultural relativism, or is it merely part of the dominant culture subject to the dominant rules of fact and value? The same question can be asked of a neighborhood, a religious community, or any group identified as such either by themselves or others. The relativists' distinction between cultural and individual relativism cannot be taken literally, for to do so renders its doctrine even more incomprehensible. To do otherwise, that is to eliminate the distinction between cultural and individual relativism, re-

58. It has been argued that the practical application of cultural relativism calls not for tolerance but for respect; we need not permit practices, we need only respect cultural differences. See S. MOSER, *supra* note 50, at 186. Such a position is of no practical significance. One might respect a culture's ways and still forcibly impose upon that culture the ways of another. In what sense can the relativist be respecting the different ways of another culture? Rather than "respect," a better phrase might be "one ought to be aware of the differences between and among cultures." Once again, however, if awareness does not lead to a practice that permits those differences to exist, cultural relativism as practice becomes either obscure or insignificant.

sults in the transformation of relativist doctrine into an argument for anarchy—all positions and practices are to be tolerated, since there is no way of judging any of them. The latter option is clearly not the course chosen by the cultural relativists. The former—the acceptance of such a distinction—points in the direction of politics.

III. THE POLITICS OF RELATIVISM

How then can cultural relativism be understood? What is it? Surely it is something, even though it is *not* what its adherents purport it to be. The practices of certain cultures are tolerated while those of others are not. Distinctions are drawn between one culture and another, between one practice and another, that seem to require internal contradictions in the relativist position.

One answer, and I think a correct one, is that cultural relativism is a function and a creation of relationships of power—that is to say, politics. The lines drawn by the relativists are not drawn randomly. The distinctions made are not without order. Choices to support and respect some cultures and not others are made in the service of interests. Sometimes the interest served is self-preservation; the practices of a particular culture threaten another culture's survival, making intolerance the adopted strategy. Often the interests served are more particular.

It is my intention to illustrate this point; to demonstrate by way of a particular example the political nature of relativist rhetoric and practice; to argue that cultural relativism, like any other doctrine of method, philosophy, or practice is alternatively relied upon and ignored as a function of the power and interests of its proponents. As such, cultural relativism, as articulated, supported, and practiced, is more accurately understood *not* as pure and unfettered scientific discourse used to guide the enlightened toward the "truth" (or lack thereof) of humanity, but as a *point of view*, a mechanism employed in a value-laden, political process, serving the interests of some in accord with relationships (or desired relationships) of power.

IV. THE PARTICULAR CASE OF NATIVE AMERICAN EDUCATION

When viewed in their most favorable light, Euro-American policies toward Native Americans from the outset have been cre-

ated to assimilate the American Indian into Euro-American society.⁵⁹ Viewed in a less favorable light—the light most probably adopted by the majority of remaining traditional American Indians—the past four hundred years of Euro-American policy toward the Indian has been a history of one attempt after another to eliminate the Indian culture, and with that, to eliminate Indian ownership of vast quantities of land, an obstacle to the expansion of the dominant culture.

One of the many tools of assimilation was and continues to be education. Education has been touted as a means of emancipating “the Indian child from his home, his parents, his extended family, and his cultural heritage. It was in effect an attempt to wash the ‘savage habits’ and ‘tribal ethic’ out of the child’s mind and substitute a white middle-class value system in its place.”⁶⁰

According to the rhetoric of politicians and scholars of Euro-American Indian education policy, the past four hundred years of Indian education have been an utter failure.⁶¹ Poverty, poor health, unemployment, and high rates of alcoholism are prevalent among Indian adults. As will be demonstrated, however, these conditions do not necessarily indicate failure. Indians now demand much that not long ago was being forced upon them by the Department of the Interior and the Bureau of Indian Affairs.

Surveying Indian education policy from its unofficial inception in 1568⁶² to the present, one can point to events that stand out as

59. To treat the topic of Native American education as a single issue, as if the designation “Native American” reflects the thoughts and lifestyles of the Indians, places in a questionable light any information and insights that follow. From the point of view of the individual tribes, the term Native American reflects a white man’s understanding of the world. Each tribe considers itself a distinct group, united with others in efforts against a common enemy, the dominant Euro-American culture. The point of this Article is not to lend credence to such an analytical homogenization of the Native American. However, the topic to be dealt with is *not* the detailed history of Native American education. Rather, my concern is with the manner in which this topic has been understood and dealt with by white men. It is not my intention that the reader walk away with the idea that all Indians are alike. To do so would be a mistake.

For a thorough history of American Indian education, see M. SZASZ, *EDUCATION AND THE AMERICAN INDIAN* (1977).

60. SPECIAL SUBCOMM. ON INDIAN EDUC., SEN. COMM. ON LABOR & PUBLIC WELFARE, *INDIAN EDUC.: A NATIONAL TRAGEDY—A NATIONAL CHALLENGE*, S. REP. NO. 501, 91st Cong., 1st Sess. 106 (1969) [hereinafter *SUBCOMM. REP.*].

61. See generally *id.*

62. See Rosenfelt, *Indian Schools and Community Control*, 25 *STAN. L. REV.* 489, 492 (1973); *SUBCOMM. REP.*, *supra* note 60, at 140-41; B. BERRY, *THE EDUCATION OF AMERICAN*

instances of decisions regarding Indian education policy which depended upon the outcome of debates between adherents to ethnocentric opinions on the one hand and relativistic opinions on the other. Perhaps with respect to no other issues (with the possible exceptions of health policy and religious tolerance) can the "two sides" be seen as clearly as they can when one looks at how it is that a dominant culture educates another with which it comes into contact. At the same time, by examining how one culture chooses to educate another, the clear distinction between ethnocentrism and relativism begins to blur. The two sides are indeed sides, but are *not* divided along lines of some theoretical, intellectual contrast of "isms." Viewed more closely, the sides are seen to be a contrast between two strategies whose ultimate results (if not purposes) are remarkably similar: both seek to transform a culture from what it is to what it ought to be.

Euro-American policy toward the once indigenous peoples of America can be divided into six periods, each beginning with some event that has proven to be significant to the fate of Native Americans. During each of these six periods, education policy toward Native Americans was made to fit the climate of the times.

A. *The Mission Period (1568-1778): Unabashed Hubris*

The first two hundred years of Native American education consisted largely of efforts by the church to "civilize" and "Christianize" the "savages."⁶³ The first mission school was begun in 1568 by Jesuits who wanted to educate the Florida Indians. In addition to converting the Indians to Christianity, the Jesuits, most of whom were French, were intent upon fulfilling the wishes of King Louis XIV who wanted the Indian children to be educated "in the French manner."⁶⁴ Anglicans and Franciscans, acting in accord with the wishes of their respective sovereigns, also opened schools and colleges.⁶⁵ Frequently, the schooling was extended through what was supposed to be vacation periods by placing Indian children in the homes of local church-going citizens in an ef-

INDIANS: A SURVEY OF THE LITERATURE, 91ST CONG., 1ST SESS., FINAL REP'T PREPARED FOR THE SPEC. SUBCOMM. ON INDIAN EDUC. OF THE SEN. COMM. ON LABOR & PUBLIC WELFARE 5 (Comm. Print 1968).

63. See SUBCOMM. REP., *supra* note 60, at 140-41; B. BERRY, *supra* note 62, at 7-9.

64. B. BERRY, *supra* note 62, at 7.

65. SUBCOMM. REP., *supra* note 60, at 10.

fort to prevent the children from returning to their tribes and tribal ways.⁶⁶

Throughout this period, the motives of the educators were clear and unabashedly proclaimed. Whether it came from King James, King Louis, religious leaders, or the Virginia Company, the message was the same: eliminate the Indian way of life. The Indians were obstacles standing in the way of new territory, new land, new riches. As with all obstacles, the solution to the problems presented by the Indians lay in their elimination. Assimilation via *proper* education was one technique used to accomplish the desired end; it was by no means the only one. The Dutch in New Amsterdam began paying bounties for Indian scalps in 1641.⁶⁷

The general attitude of the Puritans toward the Indian is revealed by an incident in 1637 when the Pequot tribe resisted the migration of settlers into the Connecticut Valley. A Pequot village was burned to the ground and 500 Indians were burned to death or shot while trying to escape. The surviving Pequots were sold into slavery. The Puritans gave thanks unto the Lord that they lost only two men, and Cotton Mather was grateful that 'on this day we have sent 600 heathen souls to hell.'⁶⁸

Throughout the entire mission period, the predominant view was shaped by what we might call ethnocentrism. Euro-American culture was felt to be superior to the relatively unclothed, unpropertied life of the savages of the new world. There seem to be almost no accounts of what, in hindsight, could be called the "other side"—the right of the Indians to be Indians, to live as they chose, to live according to their own ways. Criticisms of education policy were not directed at the evils of basic ethnocentric assumptions of European superiority, but rather at the failure of the many efforts to "educate."⁶⁹ The concept of cultural relativism was not

66. *Id.* at 9.

67. B. BERRY, *supra* note 62, at 22, noted in Rosenfelt, *supra* note 62, at 492.

68. SUBCOMM. REP., *supra* note 60, at 142 (quoting P. FARB, *MAN'S RISE TO CIVILIZATION* 247 (1968)). The two tactics—education and armed violence—have more in common than the atrocities of the Puritans might suggest. It has been suggested by Foucault that Clausewitz's aphorism that "war is politics continued by other means" is an inversion of the truth; "politics is war continued by other means." Such an equation might just as easily be drawn between the violent elimination of the "obstacle" with fire and bullets and the somewhat less painful (to the flesh) violence done to a culture by the elimination of its children, its future. See M. FOUCAULT, *POWER/KNOWLEDGE*, *supra* note 45, at 78-108.

69. See generally SUBCOMM. REP., *supra* note 60, at 140-42; B. BERRY, *supra* note 62, at 7-9 & ch. III.

yet a part of Euro-American cultural thought.⁷⁰

B. *The Treaty Period (1778-1871): The Hubris Continues*

From its inception, United States federal policy toward Indian education was shaped almost entirely by the country's desire for Indian land. Whereas the rhetoric of the mission period spoke of helping a culture, saving souls, and offering the benefits of civilization to a world of savages, policy makers of the treaty period were honest and direct in their expressed desire for Indian land and their intention to use education as a tactic employed to accomplish the desired end.

Specifically, the task of Indian education was to replace our culture for theirs:

This was considered 'Advisable' as the cheapest and safest way of subduing the Indians, of providing a safe habitat for the country's white inhabitants, of helping the whites acquire desirable land, and of changing the Indian's economy so that he would be content with less land. Education was a weapon by which these goals were to be accomplished.⁷¹

The expressed justification for taking Indian land and supplanting their culture with the Euro-American culture was the inherent superiority of our way of life, our attitude toward production and cultivation, as opposed to the Indian who, for the most part, did nothing but live, hunt, and wander. Progress and civilization demanded and justified the taking of Indian land by any available means. Although important, education was by no means

70. In fact, only toward the end of the Mission Period did another side gain a voice—and this was the voice of the Indians themselves. In one amusing exchange, Chiefs of the Six Nations responded to an offer made by the Virginia Commissioners to educate six of the chief's sons at a college in Williamsburg, Virginia.

Several of our young people were formerly brought up at colleges of the Northern Provinces: they were instructed in all your sciences; but when they came back to us, they were bad runners; ignorant of every means of living in the woods; unable to bear either cold or hunger; knew neither how to build a cabin, take a deer, or kill an enemy; spoke our language imperfectly; were therefore neither fit for hunters, warriors, or counselors; they were totally good for nothing. We are however not the less obliged by your kind offer, though we decline accepting it. And to show our grateful sense of it, if the gentlemen of Virginia will send us a dozen of their sons, we will take great care of their education, instruct them in all we know, and make men of them.

B. FRANKLIN, REMARKS CONCERNING THE SAVAGES OF AMERICA IN TWO TRACTS 28-29 (2d ed. 1794), quoted in SUBCOMM. REP., *supra* note 60, at 140.

71. SUBCOMM. REP., *supra* note 60, at 142.

the primary method by which Indian land was made available for exploitation. Of equal if not more importance was force.⁷²

What role education did play was geared toward instructing Indians in the ways of white men and women, specifically their religion, morality, and agriculture. By 1838, the government was operating sixteen Indian manual labor schools (dubbed "agricultural training schools") and eighty-seven boarding schools.⁷³ There was no pretense either by politicians or bureaucrats as to what was being done and why. Indian ways were to be eliminated. Indians who happened to survive the brutality would (perhaps) be trained to live as white men and women—poor white men and women. And for the most part, this training was not expected to succeed. This prevailing attitude during the period is perhaps best summed up in the 1848 Annual Report of the Commissioner of the Bureau of Indian Affairs, William Medill:

Stolid and unyielding in his ways, and inveterately wedded to the savage habits, customs and prejudices in which he has been reared and trained, it is seldom the case that the full blood Indian of our hemisphere can, in immediate juxtaposition with a white population, be brought farther within the pale of civilization than to adopt its vices; under the corrupting influences of which, too indolent to labor and too weak to resist, he soon sinks into misery and despair. The inequality of his position in all that secures dignity and respect, is too glaring, and the contest he has to make with the superior race with which he is brought into contact . . . is too unequal to hope for a better result.

While to all, the fate of the redman has, thus far been alike unsatisfactory and painful, it has with many been a source of much misrepresentation and unjust national reproach. Apathy, barbarism, and heathenism must give way to energy, civilization, and Christianity. . . . If, in the rapid spread of our population and sway, with all their advantages to ourselves and to others, injury has been inflicted upon the barbarous and heathen people we have displaced, are we as a nation to be held up to reproach for such a result.⁷⁴

72. This Article does not provide a detailed account of Indian history. Every "American" in any way proud of his heritage ought to read the history of this period. The atrocities perpetrated against the American Indian by order of the highest offices in the government are, at the very least, instructive. See, e.g., A. DEBO, *A HISTORY OF THE INDIANS OF THE UNITED STATES* (1970); J. WISE, *RED MAN IN THE NEW WORLD DRAMA* (V. Deloria ed. 1971).

73. SUBCOMM. REP., *supra* note 60, at 146.

74. BUREAU OF INDIAN AFFAIRS, 1848 ANNUAL REPORT 391 (1849), *quoted in* SUBCOMM. REP., *supra* note 60, at 144. Medill was the first Commissioner of the Bureau of Indian Affairs to be appointed almost solely as a political favor. President James Polk succumbed to pressure by Ohio Democrats and appointed the then Second Assistant Postmaster General to the post in 1845. He served in this capacity until 1849, when Zachary Taylor was elected president. During his four year term as Commissioner, Medill gained some notoriety

Indian education during the treaty period was simply the imposition of a rigid and mechanical order, the white man's order, on Native Americans removed from their homes and cultural ways. Once again, as during the mission period, policy was shaped by the prevailing cultural attitude of superiority. Relativism still had no place in the mind of America.

C. *The Era of Allotment and Assimilation (1871-1928)*

In 1871 Congress ended the period of treaty making with the Indians,⁷⁵ and in 1887 passed the General Allotment Act⁷⁶ which provided the spine of what would be federal Indian policy until 1928. The Allotment Act was to become the next step in a long line of efforts by the federal government to acquire Indian land. It provided for the parceling out of allotments of land to individual Indians—160 acres to each family head, 80 acres to each single person over eighteen and to each orphan under eighteen, and 40 acres to each other single person under eighteen.⁷⁷ The purpose and effect of the Act was to reduce substantially the Indian land base. Over a forty-year period, the Indian tribal economic base was reduced from 140 million acres to approximately 50 million acres, 30 million of which were severely or critically eroded.⁷⁸ The proceeds gained from any use or sale of the 90 million non-Indian-held acres was to go into a trust, the proceeds of which were to be used to fund Indian education.⁷⁹

Native American education at this time was being modeled after the newly created Carlisle Indian Boarding School, the brainchild of its first superintendent, an officer in the military, Captain R. H. Pratt. Pratt's views on Indians were no secret: "[A]

for promoting Indian education. From this author's perspective, such notoriety is laughable in light of his 1848 report. See R. Trennent, *William Medill*, in *THE COMMISSIONERS OF INDIAN AFFAIRS* 29-39 (R. Kvasnicka & H. Viola eds. 1979).

75. See 25 U.S.C. § 71 (1976).

76. See *id.* §§ 331-358.

77. Otis, *History of the Allotment Policy*, reprinted in *Hearings on H.R. 7902 Before the House Comm. on Indian Affairs*, 73d Cong., 2d Sess., pt. 9, at 428-89 (1934), quoted in D. GETCHES, D. ROSENFELT & C. WILKINSON, *CASES AND MATERIALS ON FEDERAL INDIAN LAW* 69 (1979) [hereinafter GETCHES].

78. For more detail, see *Hearings on H.R. 7902 Before the House Comm. on Indian Affairs*, 73d Cong., 2d Sess., pt. 1, at 16-18 (1934) (memorandum of J. Collier, Comm'r of Indian Affairs); GETCHES, *supra* note 77, at 73-75. See also SUBCOMM. REP., *supra* note 60, at 12 (describing aridity of 20 million acres of desert land).

79. SUBCOMM. REP., *supra* note 60, at 12.

great general had said that the only good Indian is a dead one . . . I agree with the sentiment, but only in this: that all the Indian there is in the race should be dead. Kill the Indian in him and save the man."⁸⁰ The goal of education quite clearly was to "kill the Indian in the person" as rapidly as possible.⁸¹ This meant separating children from their reservation and family, stripping them of tribal lore and mores, eliminating their use of their native language, and bringing them to despise everything about themselves that even suggested their heritage.⁸²

The Carlisle school served as a model for many boarding schools founded during this period.⁸³ The school's building was an old army barracks. Pratt insisted upon the imposition of rigid military discipline.⁸⁴ Much of what passed for education during this period amounted to the use of Indian children as laborers to support a poorly equipped and inadequately staffed government institution—the school itself.⁸⁵ It seems to have been of little or no concern that Indian children, abused for many years at boarding schools, finished their education fit for neither Indian nor white societies; they floundered in a place between their native culture, of which they had never quite become a part, and the military facsimile of white culture imposed upon them during their school years.

It was no secret during the Allotment Period that the purpose of the government's efforts was to acquire Indian land. Education was one means of effectuating this underlying policy goal. It is possible that much of what passed for sound educational policy was motivated by the conscientious belief that what was indeed needed was to "kill the Indian in the Indian."

Whatever good intentions may have existed, they hardly justified the tactics used to compel school attendance. Parents and tribal elders understood that the new techniques of education were assaults by the dominant culture upon Native American existence and heritage as well as their future, and resisted by refusing to

80. Pratt, *The Advantage of Mingling Indians with Whites*, in *AMERICANIZING THE AMERICAN INDIANS* 260, 261 (F. Prucha ed. 1973).

81. See R.H. PRATT, *BATTLEFIELD AND CLASSROOM* (R. Utley ed. 1964).

82. See SUBCOMM. REP., *supra* note 60, at 148; see generally R.H. PRATT, *supra* note 81.

83. SUBCOMM. REP., *supra* note 60, at 147.

84. *Id.* at 148; see generally R.H. PRATT, *supra* note 81, at ch. 21 (describing the martial discipline at the Carlisle school).

85. SUBCOMM. REP., *supra* note 60, at 148.

send their children to the "culture killing" schools.⁸⁶ The "well-intentioned" dominant culture responded to this defiance with a federal statute that authorized the Secretary of the Interior to withhold food, "clothing and other annuities from Indian parents or guardians who refused or neglected to send and keep their children of proper school age in some school a reasonable portion of the year."⁸⁷

It is clear that the concern for educating Indian children was more a concern for destroying an "inferior" culture whose existence presented an obstacle than for providing Indians with the opportunities offered by civilization, as many of the "well-intentioned" claimed. Congressional mandate insisted upon the education of all Indian children.⁸⁸ Children were sent to schools in other states without parental consent in order to fill the schools to capacity.⁸⁹ Schools were horribly overcrowded with enrollments well beyond what the facilities would reasonably allow.⁹⁰ Most students were required to labor solely to support the overtaxed facilities.⁹¹ The "education" received by school children was wholly inadequate in terms of its content, and surely would not have been imposed on the majority of white children.⁹² However, the *form* of the education was radically non-Indian and nontribal, and as such was precisely what policy makers desired. Allotment practices and the education meted out during this period were resounding successes—the Indian within the Indian suffered tremendous harm.

D. *The Meriam Report and Indian Reorganization (1928-1945): The Disguise Begins*

The first half of the twentieth century witnessed the rise to prominence of cultural relativism in academic and practical anthropological circles. It was precisely in response to the same sorts of ethnocentric notions that spawned the first 350 years of Euro-American education policy toward the Indians that cultural rela-

86. *Id.* at 151.

87. Act of March 3, 1893, ch. 209, 27 Stat. 612, 635.

88. SUBCOMM. REP., *supra* note 60, at 12, 150-52 (rations withheld to enforce compulsory attendance).

89. *Id.*

90. *Id.*

91. *Id.*

92. *Id.* at 146-52; R.H. PRATT, *supra* note 81, at 282-83.

tivism emerged. Native American culture and the lives of the majority of Indians were in ruins. Their lands were largely gone, tribal culture and coherence had been damaged severely by the forced removal of children and the coercive tactics used to prevent the practice of cultural rites and ceremonies.

According to many students of the United States policy toward Native Americans,⁹³ this condition and the tactics that brought it about likely would have persisted until all that was Indian had finally died were it not for the publication of *The Problem of Indian Administration*⁹⁴—better known as *The Meriam Report*, after its primary author, Lewis Meriam. The report described in detail the horror of the preceding centuries and the then-present conditions under which the Indians were forced to live.

Although drawing causal connections between historical events is problematic, many historians suggest that the period of Indian reorganization was largely a consequence of the publication of *The Meriam Report*.⁹⁵ The time for relativistic, tolerant understanding of other cultures had come; the recommendations made by Meriam caught on. The result was the Indian Reorganization Act of 1934,⁹⁶ and the appointment of the almost legendary John Collier as the Commissioner of Indian Affairs.⁹⁷

According to most versions of the reorganization period, the policies of the past 350 years changed radically under the leadership of Collier and his legal aid, Felix Cohen.⁹⁸ Native Americans no longer were excluded from the management of their own affairs, nor would the Bureau of Indian Affairs any longer tolerate the provision of inadequate (by white standards) services—especially health and education—to the Indians.⁹⁹

93. See generally M. SZASZ, *supra* note 59; V. DELORIA JR. & C. LYTLE, *AMERICAN INDIANS, AMERICAN JUSTICE* 12 (1983).

94. L. MERIAM, R. BROWN, H. CLOUD, E. DALE, E. DUKE, H. EDWARDS, F. MCKENZIE, M. MARK, W. RYAN & W. SPILLMAN, *THE PROBLEM OF INDIAN ADMINISTRATION* (1928) [hereinafter MERIAM].

95. See, e.g., SUBCOMM. REP., *supra* note 60, at 12-13, 152-56; B. BERRY, *supra* note 62, at 19; M. SZASZ, *supra* note 59, at 16-36; E. ADAMS, *AMERICAN INDIAN EDUCATION: GOVERNMENT SCHOOLS AND ECONOMIC PROGRESS* 68-74 (1976).

96. 25 U.S.C. §§ 461-479 (1976).

97. John Collier became Commissioner of Indian Affairs on April 21, 1933, and held the office until 1945. SUBCOMM. REP., *supra* note 60, at 154.

98. Felix Cohen was the author of the classic treatise on Indian rights, *HANDBOOK OF FEDERAL INDIAN LAW* (1942).

99. See generally SUBCOMM. REP., *supra* note 60, at 152-56.

By 1944, sixteen boarding schools were closed (including Carlisle school) and eighty-four day schools were opened.¹⁰⁰ However, the number of schools was not the measure by which Collier and his newly appointed education director, Willard Beatty, measured success; the nature and quality of that education was considered just as important. Both Collier and Beatty were impressed with the then-popular Progressive Education Movement,¹⁰¹ and both recognized that anthropology—particularly the increasingly popular relativist anthropology—could be a valuable aid in understanding Indian cultures.¹⁰² Collier hired anthropologists to work for the Indian Service and established long-lasting ties with anthropological and ethnological associations as well as with the Progressive Education Association.¹⁰³ The result of these influences was an attempt to make Indian education relevant to the lives of the Indians. The absurdity of taking children from nomadic cultures and teaching them to read the white middle-class stories of “Dick and Jane” was clear. The Indian family and social structure, according to the policy makers of that day, must be strengthened and supported. The family and tribal group identity were to become considerations, incorporated into the decisions made regarding the shape of education. Only in this way could the Indian Federal School System become “successful,” a model of excellence.

The educational reforms of the reorganization period are considered almost universally as resounding successes and perhaps the epitome of the successful implementation into practice of the principles of cultural relativism.¹⁰⁴ One could not hope for a more paradigmatic instance of cross-cultural practice ostensibly shaped by a respect for the ways of a foreign culture. Indians were encouraged to take part in shaping their own future. The practices of the Reorganization Period differed tremendously from the practices that preceded. The methods used to “kill the Indian within the Indian” prior to Meriam, Collier, Beatty and their anthropologically enlightened planners and educators were brutal and cruel; the coercive threat of the federal sovereign had been violent and effective. However, when these threats were stopped, what took their place

100. *Id.* at 13, 156; Brightman, *Mental Genocide*, 7 *INEQUALITY IN EDUC.* 17 (1971).

101. M. SZASZ, *supra* note 59, at chs. 4, 7.

102. *Id.* at 50-55.

103. *Id.* at ch. 5.

104. SUBCOMM. REP., *supra* note 60, at 152-56.

was no less value-laden, no less directed at accomplishing the goals of the dominant culture than were the violent policies that had come before.

The point of Native American education during the Reorganization Period was *not* to revive the Indian ways of the past. Neither Collier nor his anthropological trouble-shooters measured the success of their programs by the degree to which Indian sentiment resembled the sentiment expressed by the Chiefs of the Six Nations in response to the white man's offer to educate their children.¹⁰⁵ What counted as successful education policy was that which resulted in voluntary school attendance, success in scholastic performance, economic progress within the Indian community, and the reduction of poverty, disease, and the poor standards of living—all measured by *white* standards. The Collier administration did not want a return to Indian tribalism of the kind that had spurred the uprisings and wars of the centuries before.¹⁰⁶

This return to tribalism was not likely. Through one creative atrocity after the next, the Indian nations had been starved, beaten, tortured, healed, and educated into despair and dependency; armed rebellion was all but impossible. The past 350 years had seen Euro-American culture and policy "jammed down the throats" of Native Americans. Now that it looked as if nothing could be done to reverse the acculturation, it was the task of the Collier administration to make quasi-Euro-Americanism palatable. What better way to complete the process of acculturation than to convince one's victims that their new way of life is freely chosen, a product of their own self-government.

This certainly was the case in education. Native American adults who had grown up during the Allotment Period, educated in boarding schools and their on-reservation facsimiles, were encouraged to help shape education policy.¹⁰⁷ The goal was *not* to

105. See *supra* note 70.

106. There is much evidence that Collier in fact did want to revive tribalism and the communal ways of the past. See, e.g., K. PHILP, *JOHN COLLIER'S CRUSADE FOR INDIAN REFORM* 161-86 (1977). Indeed, for the most part, that is his reputation. There is also evidence to support an opposite conclusion. Throughout the controversy over the proposed Indian Reform Act, "Collier and his aides attempted to reassure skeptics that the ultimate goal of assimilation was not being abandoned"—that the full assimilation would still take place, but would take a longer time. G. TAYLOR, *THE NEW DEAL AND AMERICAN INDIAN TRIBALISM* 23 (1980).

107. In fact, community involvement in shaping policy was said to be central to virtu-

revive ways of life and understanding that were nearly dead, but to enable the "benefits of civilization" to be visited upon the Indian in ways less distasteful to white and Indian alike.

A look at the primary innovation in education implemented during the Collier years—achievement tests—goes a long way toward explaining the intent of the reorganization educators. *The Meriam Report* made the following criticisms of federal Indian policy prior to 1928: "In the Indian schools not even the most elementary use has been made of either intelligence testing or objective tests of achievement in the types of knowledge and skills that are usually referred to as the 'regular school subjects.'"¹⁰⁸ According to one report concerning the effect *The Meriam Report* had upon Indian education, "[n]ever ha[d] a critical remark been taken more seriously, for in the 40 years since the publication of that report, no aspect of Indian education ha[d] received more attention from researchers than ha[d] achievement testing."¹⁰⁹

Since *The Meriam Report*, and starting with the Collier administration, literally thousands of studies have been published wherein the authors report the progress (or lack thereof) of Native American education based upon the results of I.Q. and achievement tests.¹¹⁰ The point of all these was to measure how well the Indian Service was training Indians to accomplish scholastically whatever it was their white counterparts could accomplish. To those at the Service, doing a good job of educating Indians was understood as assuring Indians and whites alike that Indian children were doing just as well as white children. The standard, the norm, was a white norm.

The use of progressive educational techniques and the incorporation of contemporary understandings of anthropology were dramatic changes in the means by which the goal would be accomplished. The goal, however, remained the same; the existence of Indian culture must no longer fall as a burden on the shoulders of members of the dominant culture. Practices shaped and supported by relativistic attitudes were *tactics*, employed to accomplish val-

ally all reorganization policies. See SUBCOMM. REP., *supra* note 60, at 152-56; see also Comment, *Tribal Self-Government and the Indian Reorganization Act of 1934*, 70 MICH. L. REV. 955 (1972).

108. MERIAM, *supra* note 94, at 380.

109. B. BERRY, *supra* note 62, at 19.

110. *Id.* at 18-24.

ued interests; specifically, they made sure the Native Americans could function in the new world, the *white man's world*.¹¹¹

Cultural relativism, a guiding force throughout the Collier term of office, was not the theoretically pure position postulated by Lowie, Herskovits, and others. It was a politically advantageous tactic, humanitarian enough to capture the public imagination of the times. Indian culture was given a voice only when its voice was in tune with the voice of the dominant culture. Cultural relativism was a practice whose time had come, and it would last as long as it served the purposes for which it was adopted.

E. *The Termination Period (1945-1961): A Return to the Bad Old Days*

During the late 1930s and early 1940s, friction between Collier and the Senate and House Indian Affairs Committee increased. Three concerns most often were discussed by the Committee as being problems with the Collier policies of cross-cultural education and Indian self-government: (1) the existence of large amounts of Indian land that remained inaccessible for exploration by the members of the dominant culture; (2) communist tendencies inherent in Indian culture; and (3) the large expenditures that the federal government was forced to make in order to support the Indian

111. During the House hearings on the Indian Reorganization Act, Collier testified: [U]nder the operation of the self-government features of the bill . . . many of the things the government is now doing through paid employees would pass over to individual communities, by cooperative voluntary effort.

Hearings on H.R. 7902 Before House Comm. on Indian Affairs, 73d Cong., 2d Sess. 23, 59 (1934), quoted in G. TAYLOR, *supra* note 106, at 23.

In light of this and similar statements as well as the policies implemented during his administration, it might be suggested that Collier was not a relativist. Evidence suggests that Collier, at times, was anything but a relativist, making statements to the effect that the tribal ways of the Indians were preferable to the strident individualism of the white culture. See K. PHILP, *supra* note 106, at 161, 162.

Whether or not Collier himself was relativistic in his understanding of the ways of Native Americans is not the issue. The point is that relativism became a tactic used to accomplish ends, whether its proponents were believers or not. It might be suggested that the reliance on relativist doctrine and beliefs as a post hoc rationalization for actions is very different from the implementation of policies because of one's belief in relativist doctrine. To be sure, these are different. However, that difference is in no way instructive to the thesis presented here. *Relativist doctrine is always a rationalization*, whether it is truly believed or not. What always lies deeper than any rationalization are the interests served, both by the chosen rationalization and the actions that precede.

aid programs.¹¹² Throughout the early 1940s, the educational emphasis was shifting from what was being called "cross-cultural education," which took into account both Indian and white values and lifestyles, to vocational education, designed to prepare Native Americans for the changing urban industrial job market.¹¹³ This is not to say that what had preceded—cross cultural education—ever had been devised in order to preserve or represent traditional Native American ways. It is the thesis of this Article that the relativistic considerations and policies of the Collier administration were tactics, albeit (perhaps) unconscious tactics, employed to further the infusion of Euro-American norms, values, and ways of understanding the world into Native American culture. The shift in the techniques of education that took place during the 1940s stands as another example of how Collier's policies were relativistic and cross-culturally oriented when such a posture suited the goals, standards, and needs of the dominant white culture. When it became the case that culturally sensitive education was no longer economically rational, nor the tactic most advantageous for the dominant culture, emphasis shifted accordingly. Here, the shift to vocational education reflected the change in the economic situation of the country as understood by experts of the dominant white culture.

Collier's policies were changing. However, the antagonistic forces could not wait for the slow economic and anglicizing progress that Collier promised. In 1944, the House Select Committee to Investigate Indian Affairs and Conditions made recommendations for achieving a "final solution to the Indian problem."¹¹⁴ According to the Committee, one problem with reorganization policies was their "tendency . . . to 'adapt the education to the Indian and to his reservation way of life' rather than to 'adapt the Indian to the habits and requirements he must develop to succeed as an

112. See L. TYLER, *INDIAN AFFAIRS: A WORKPAPER ON THE TERMINATIONS WITH AN ATTEMPT TO SHOW ITS ANTECEDENTS* 22 (1964). The economy was suddenly changing. Large numbers of Indian males who had entered military service were coming back in the late 1940s and settling in cities, not on the reservations. The Indian communities were shifting again due to Anglo activities—and again the Indians were forced to adjust.

113. SUBCOMM. REP., *supra* note 60, at 156-57; M. SZASZ, *supra* note 59, ch. 9.

114. See REPORT OF THE SELECT COMM. TO INVESTIGATE INDIAN AFFAIRS & CONDITIONS IN THE UNITED STATES HOUSE OF REPRESENTATIVES PURSUANT TO H. RES. 166, 78th Cong., 2d Sess. (1944).

independent citizen earning his own way off the reservation.'"¹¹⁵ Perhaps the Committee failed to see that Collier's programs were designed to do largely this. Perhaps the Committee members were impatient for an end to the Indian problem; the country was at war and Congress was less and less willing to spend large amounts of money to aid a group of people who offered little in the way of support for the war effort. Another possibility—plausible, although not strongly supported by available evidence—is that although progress was being made, certain interested organizations, individuals, and concerns wanted Indian land for exploitation and did not want to risk the possibility that, once assimilated, Indians would themselves use and develop their vast resources and landbase for their own advantage. Perhaps all of this played a role in shaping Congress' decision to reshape United States policies toward the Indian.

Whatever the stated reasons, *real* progress was demanded, a real progress that would come about by "de-Indianizing" the Indians, making them better American citizens, *not* better Indians. Day schools were criticized as inferior to boarding schools.¹¹⁶ Attending day school enabled Indian children to return each day to the few remaining influences of tribal ways, whereas attending boarding schools permitted the radical cessation of contact with anything Indian. Culturally sensitive education could not be permitted to stand in the way of successful assimilation.

Collier resigned in 1945 and was replaced by William Brophy, who, during his confirmation hearings, assured senators that he would act in accord with Congress' wishes.¹¹⁷ Congress' wishes were quite clear—prepare Indians for the termination of federal services. Budget cuts continued throughout the 1940s and 1950s.¹¹⁸ Dillon Meyer, the former director of the World War II program to relocate Japanese-Americans after they had been moved to internment camps, was appointed Commissioner of Indian Affairs in 1950, and did his best to effectuate the revived pre-Collier policy of obviously coercive assimilation of the American Indian into the

115. *Id.* at 8.

116. See SUBCOMM. REP., *supra* note 60, at 13-14, 156-61.

117. *Id.* at 158.

118. *Id.* at 158-65; M. SZASZ, *supra* note 59, at ch. 9. See generally GETCHES, *supra* note 77, at 86-106.

dominant white society.¹¹⁹

By 1953 the legislative basis for termination of tribal existence was in place with the passage of Public Law 280,¹²⁰ which transferred federal criminal and civil jurisdiction to individual state governments, and House Resolution 108,¹²¹ which called for the end of federal services to Indians.¹²² The revitalization of the boarding schools and relocation programs continued, as did the elimination of day schools. Large numbers of students simply were shipped to out-of-state boarding schools,¹²³ the purpose, once again, to "kill the Indian in the Indian."

From the point of view of the dominant culture, the first four centuries of United States policies toward Native Americans had been successful. For almost four hundred years, the now dominant Euro-American culture had forced its ways onto the "inferior" Native Americans. Much of this had been accomplished violently; the severe punishment of those Indians who remained "Indian" had been commonplace. Some of the policies adopted were less obviously coercive, but nonetheless manipulative. However, the goal had remained the same; assimilation of the Indian until the existence of the Indian no longer presented an obstacle to the intentions and desires of the dominant culture. The techniques employed and policies adopted to effectuate that goal changed in accordance with the political realities of the times. When ethnocentric, absolutist rhetoric was advantageous, the policies followed—military boarding schools, allotment, starvation, and the like—reflected this. When a "more humanitarian" posture held the public and political favor, relativistic tolerance of the ways of another culture was wedded to Indian policy. The goal never changed. Termination was simply the next step in the long line of policies and practices designed to accomplish that goal.

The effects of pursuing this goal were profound:

In 1961 when President John F. Kennedy's Administration took office, the Indians of the United States were confused, disoriented, and filled with anxiety and worry. Considerable progress had been made under the enlightened Indian Reorganization Act of 1934, which bringing to an end the long and Indian-impoverishing allotment policy, encouraged tribal self-government,

119. SUBCOMM. REP., *supra* note 60, at 161-64; M. Szasz, *supra* note 59, at 121-22.

120. 67 Stat. 588 (1953) (codified as amended at 18 U.S.C. § 1162 (1982)).

121. H. Con. Res. 108, 67 Stat. 132 (1953).

122. SUBCOMM. REP., *supra* note 60, at 14.

123. *Id.* at 12-13 (discussion of "de-Indianizing the Indian"), 160-62.

extended a minimum of financial credit to the tribes, commenced an improvement in the Indians's economies, and educational and health facilities, restored certain freedoms to the Indians, promoted a revival of their cultures and therefore, of pride in themselves. In 1953 with the [implementation of the Termination Policies and passage of several termination acts] its progress had been sharply halted. . . . All tribes felt the threat and became immobilized; ready or not they faced the prospect of being turned over to the states, most, if not all, of which could not or would not assume the services, protective responsibilities and other obligations which the federal government had originally assumed by treaties and various agreements in the past which the tribes still urgently required.¹²⁴

The termination or threatened termination of services created what many have called "termination psychosis"¹²⁵ and a generalized distrust for all government policies. The process of assimilation had come quite far. Indians now were worried that the government would stop all those services which the Indians had resisted for years. Indians finally had become so dependent upon the ways of the dominant culture that they feared their elimination. The only desired end that had not yet come about was the complete elimination of the identifying category, Indian.

F. The Period of "Self-determination" (1961-present): The Disguise Resumes

Although the year 1961 is usually considered the beginning of the present era of Indian self-determination, official pronouncements against the policy of termination began to be heard as early as 1958. The first of these came from Interior Secretary Seaton, who in 1958 stated that termination without tribal consent was "unthinkable."¹²⁶ In 1961, Interior Secretary Udall's Task Force Report on the effects of termination and status of the Indians was published.¹²⁷ The report recommended that termination policies be ended, and that the government shift their focus of concern toward economic development *on* the reservation.

Throughout the 1960s, the Kennedy and Johnson administrations introduced numerous social programs for Indian reservations.

124. A. Josephy, *The American Indian and the Bureau of Indian Affairs—1969: A Study, with Recommendations* (unpublished manuscript), *quoted in* SUBCOMM. REP., *supra* note 60, at 165.

125. See A. Josephy, *supra* note 124, *quoted in* SUBCOMM. REP., *supra* note 60, at 14.

126. GETCHES, *supra* note 77, at 106.

127. SUBCOMM. REP., *supra* note 60, at 15, 168.

One of the most significant developments was the initiation of over sixty "Community Action Programs" through which Indians were trained and given the opportunity to begin to take part in managing the services and activities provided to their communities.¹²⁸

What generally is considered the most significant experiment in Indian education was the establishment in 1966 of the Rough Rock Demonstration School on the Navaho Reservation.¹²⁹ Interested outsiders and education experts¹³⁰ convinced the Bureau of Indian Affairs that what was needed in order to upgrade Indian communities was to provide for education of students in their local communities, rather than to send students to a distant school. In addition, the experts claimed that a community school could only be successful if the community members were allowed an active role in its administration.¹³¹ In 1966, the Bureau and the Office of Economic Opportunity contracted with Navaho leaders to allow local control of the community school at Rough Rock.¹³²

The 1960s and 1970s witnessed more of the same.¹³³ The offi-

128. M. SZASZ, *supra* note 59, chs. 11-13.

129. *Id.* at ch. 13.

130. Most notable were Stanford Kravitz of the Office of Economic Opportunity's Community Action Program, and Dr. Robert Roessel, who became the school's first director.

131. M. SZASZ, *supra* note 59, ch. 13.

132. Four Rough Rock innovative policies were:

(1) Indian support for education was to be gained by involving adults in the process of planning and controlling what was to be taught.

(2) English was to be taught as a second language, not something Indians were supposed to learn by mere exposure.

(3) The school was not only to be charged with educating Indian children, but with assisting in the development of the local communities by way of such things as adult education programs.

(4) The school would attempt to transmit to the young people the culture of their parents. Tribal elders would teach traditional materials.

Rough Rock, still in existence today, is run by a local five-member school board, and is still committed to involving local Indians in *their* school.

133. There are numerous examples of Indian efforts to gain control of local schools. For instance, the second of the modern Indian-controlled community schools began on the Navaho reservation in 1969. Because of the closing of local public schools, the residents of the Ramah Navaho community were confronted with the options of sending their children either to consolidated high schools located 20 to 30 miles away, or to federal boarding schools. The consolidated school option was eliminated when the school district determined that it had insufficient funds to transport the residents of Ramah. Local residents decided to try to open their own school. Private and federal funds (federal monies in the amount it would cost to support Ramah children at federal boarding schools) made it possible for the local community to operate a local private school for grades 7 through 12. For more on the Ramah school and a treatment of the issue of community-controlled Indian schools, see

cial United States policy was one of giving Indians control over their own lives, activities, and communities.¹³⁴ Indian communities continued to insist upon and gain control over their own schools.¹³⁵ Communities demanded relevant education—programs that would motivate students and effectively teach them the skills they would need in order to handle the increasingly complex economic affairs of the reservation and the outside world successfully. Although boarding schools still existed (in almost as reprehensible a form as they did during the days of allotment) the trend was changing; they were being upgraded or phased out.¹³⁶

In 1975, Congress passed the Indian Self-Determination and Education Act,¹³⁷ giving express authority to the appropriate cabinet heads to contract with and make grants to Indian tribes and organizations for the delivery of federal services. In essence, the Act is legal recognition of the stated policy of self-determination. The Bureau of Indian Affairs has been slow to implement the Act, but its provisions suggest what might be thought of as a dramatic philosophical change toward the administration of Indian affairs: "[T]ribal programs should be funded by the federal government, but the programs should be planned and administered by the tribes themselves; federal 'domination' should end."¹³⁸

Present federal policy toward Native American education is as relativistically grounded and culturally sensitive as were the policies of the Collier era of Indian reorganization. Policy makers and experts speak of Indian controlled schools, Indian communities shaping their institutions and futures, and Indian involvement and management of reservation activities. One no longer hears many politicians, bureaucrats, or concerned citizens talking about the "inferior Indian culture," the "heathen savages," or the superiority of their own culture. No one speaks of "killing the Indian in the Indian," or claims that "the only good Indian is a dead Indian."

Rosenfelt, *supra* note 62, at 509-10, and M. SZASZ, *supra* note 59, at chs. 11-13.

134. The "definitive" self-determination statement was authored by President Richard Nixon, who called for "self-determination without termination." See H.R. Doc. No. 363, 91st Cong., 2d Sess. (1970).

135. See M. SZASZ, *supra* note 59, chs. 12-15; Rosenfelt, *supra* note 62, at 489.

136. Brightman, *Mental Genocide: Some Notes on Federal Boarding Schools*, 7 *INEQUALITY IN EDUC.* 15 (1971).

137. 25 U.S.C. §§ 13a, 450a-450n, 455-458e (1976); 42 U.S.C. §§ 2004(b), 4762 (1976); 5 U.S.C. § 3371 (1976); 50 U.S.C. § 456 (1976).

138. GETCHES, *supra* note 77, at 111.

This is *not* due, however, to the enlightened mindset of our politicians, bureaucrats, or academics; the philosophical changes, if indeed there have been any, are far from dramatic. Indians need no longer be *dead* to be *good* because many Indians (and certainly those involved in internal Bureau of Indian Affairs politics) tend to desire things that fit neatly into the dominant culture's world view. The goal of Indian-controlled education is to prepare Indians to better the life on the reservation; economic progress and resource development are those things thought to be relevant to a better life. Traditional Indian ways largely are gone. The sort of education being demanded and shaped by Indians is *not* similar to the education received by Indians living in traditional cultures; Indians now learn *facts* about traditional ways. Indian schools do not educate children by providing them with traditional life experiences of trees, animals, and the living forces of the world. Education takes place in a school, an institution that meets certain requirements, that prepares students to fit into the new world, that arms students with the tools required to pass I.Q. and achievement tests which measure abilities said to be necessary for success in the dominant culture.

Why should the dominant culture care if Indians take charge of their own education? Native Americans are willing now to do to and for themselves what the ethnocentrically oriented policy planners of the past had to force upon their ancestors. Moreover, with the willingness and cooperation of eager Indians, the process is far more effective than it ever was.

Explaining the present federal Indian education policies as the philosophy of cultural relativism put into practice is not incorrect. However, in light of relevant historical and political realities, such an explanation becomes meaningless. If Indian-controlled education were suddenly to shift away from the white educational paradigm, if education no longer were geared toward helping the Indian progress economically, if school buildings and formal classes teaching formal subjects were abandoned, if education consisted of teaching guerilla techniques, rebellion, and the most effective ways of destroying white property on Indian land, Indian self-determination and control of schools would no longer be the stated theme guiding federal policy.

The fact that Indian schools allow tribal elders to teach "traditional materials" does not negate the point. It simply sug-

gests that whatever traditional materials are taught are not perceived as a threat to the process of acculturation.¹³⁹ What counts as traditional material being presented to students at Rough Rock or any similar school in no way approaches what Indians had battled so fiercely to maintain.

On this point, it is instructive to view some of the educational materials prepared in the 1960s and 1970s designed to train educators of Native American youths. Consider the following:

Understanding the culture of the Indian student will help you make the suitable rewards for achievement. The Indian wants to belong. . . . He does not want to stand out from the group as an individual. . . . Point out how they actually show their parents as inferior by their inability to speak English and their keeping it to themselves.¹⁴⁰

Educators and policy makers have prepared volume after volume in order to help teachers use Native American cultural values to promote the dominant culture's style of education. One author urged teachers to impress upon students non-Indian values for work, time, and saving. In praise of another educator he writes: "He knew that unless these key attitudes, which are so important for success in non-Indian society, were understood, the Indian people could not become *successful*."¹⁴¹ Noting further that young children's attitudes can be changed easily, the author suggests lessons that might accomplish this.

Depending upon the age of the group, of course, various lectures can be given to express this important concept [time]. Thus, for example, questions as to what would happen if the sun forgot that it was time to warm the earth in the summer, or the sheep forgot that it was time to give birth to little lambs, or the rain forgot to fall so that things could grow, and things of this nature can slowly produce a time orientation in the child.¹⁴²

This attempt to "retool" Native American values "must be consistently done throughout the child's experience in the school system.

139. In a recent interview with two Seneca Nation teenagers, I was told that traditional material was considered boring and pointless by most students. At best it is seen as history. I do not pretend that this counts as an exhaustive survey; at the same time, the two young people were quite enthusiastic about the truth of their opinions regarding the overall view of traditional materials held by their friends.

140. INDIAN EDUC. CENTER, COLLEGE OF EDUC., ARIZ. STATE UNIV., KEYS TO INDIAN EDUCATION, 29-30 (E. Nix ed. 1962).

141. J. POWERS, BROTHERHOOD THROUGH EDUCATION: A GUIDE FOR TEACHERS OF AMERICAN INDIANS 132 (1965) (emphasis added).

142. *Id.* at 133.

Time can be related to the necessity for all of the elements of nature to do their job properly (work)."¹⁴³

Throughout the policy and training books one finds reference to respecting and enhancing Native American culture while giving the children an understanding of the ability to succeed in a Euro-American culture.¹⁴⁴ However, it remains clear that value for preserving Native American culture is not to take precedence over *education*, and education is learning Euro-American ways. The texts speak for themselves:

A similar disproportion, danger, and future need, concerns the subject matters of the program improvements now being designed. . . . There are a number of important subjects which have scarcely been influences, such as the natural sciences and mathematics.¹⁴⁵

Good attitudes toward the dominant culture and other cultures are essential to the child's being able to do a good job of adjusting to a bi-cultural situation. The teacher-aide, representing the culture of the child, can help the child do this better than can a teacher from the dominant culture. The preschool Indian child generally will identify with the aide and will realize that the aide has travelled the same road.¹⁴⁶

NCC [Navajo Community College] exists to fulfill many needs of the Navajo people. . . . In addition, it provides a good foundation for those interested in the professions—such as law, teaching and medicine.¹⁴⁷

Many Indian children do not comprehend adequately the intricacies of the American economic system. Aside from the regular courses of study, an acquaintance with the game *Monopoly* is an extremely educational device. This game is learned in the classroom situation and when the children are adept at the basic rules, the educator relates this knowledge of the game to the functioning of the economic system. . . . Again, *this must be carried on consistently or the effect is likely to be lost.*¹⁴⁸

143. *Id.*

144. See, e.g., *id.* at 133-40; *Exhibit VII—It Is Being Done: Hearings Before the Special Subcomm. on Indian Educ. of the Senate Comm. on Labor & Public Welfare*, 90th Cong., 1st & 2d Sess., pt. 5, 2055-70 (1969); C. STEERE, P. KUKULSKI, A. KUKULSKI & J. STEERE, *INDIAN TEACHER-AIDE HANDBOOK* 76-94 (1965) [hereinafter C. STEERE]; INDIAN EDUC. RESEARCH CENTER, COLLEGE OF EDUC., ARIZ. STATE UNIV., *SIXTH ANNUAL AMERICAN INDIAN EDUCATIONAL CONFERENCE: THEME—USE OF EDUCATIONAL WEAPONS IN THE WAR ON POVERTY* (1965); W. BASS & H. BURGER, *AMERICAN INDIANS AND EDUCATIONAL LABORATORIES*, 21-25 (1967).

145. W. BASS & H. BURGER, *supra* note 144, at 19.

146. C. STEERE, *supra* note 144, at 94.

147. L. JONES, *AMERICAN INDIAN EDUCATION*, 174 (1972), quoting 1971-72 NAVAJO COMMUNITY COLLEGE CATALOG 3 (1973) (emphasis added).

148. J. POWERS, *supra* note 141, at 133 (emphasis added).

The socialization process becomes easier for the youngster when he is assisted in learning how to perceive the expectancies of a new cultural environment as well as the development of attitudes which are considered appropriate and acceptable. *If we can be alerted to the variations from which the child comes, then we can endeavor to get into the frame of reference of the child and understand the effect of his cultural orientation upon his readiness to participate in the learning process.*¹⁴⁹

The cultural patterns and values of the Indian are changing in our world today. The recognition of this fact makes it important for the educator *to prepare the older generation as well as the school-age group for the meaning and effects of such an eventuality.* The parents and leaders of these Indian groups should be *provided with the opportunity for gaining the information, experiences, and skills necessary for adaptation and acceptance of change.* Trained school personnel can *narrow the gap between the Indian parent and the school through a knowledge of the Indian environment, values and customs, and in applying this understanding to the objectives being proposed for the education of the Indian child.*¹⁵⁰

The dominant white culture's tolerance is not a function of our relativistic view of the world. Rather, it adopts a relativistic posture because the "foreign" culture with which it is in contact no longer offers a sufficient obstacle to our goals to warrant the adoption of harsher, less tolerant postures. After four hundred years of atrocities visited upon the Indians, the wants and desires of the majority of members of both cultures are no longer in such opposition as to disturb the whites.¹⁵¹ Should that condition change—for

149. N. GREENBERG & G. GREENBERG, *EDUCATION OF THE AMERICAN INDIAN IN TODAY'S WORLD* 32 (1964) (emphasis added).

150. *Id.* at 46 (emphasis added). See also THE INDIAN EDUC. CLEARINGHOUSE OF THE CENTER FOR APPLIED LINGUISTICS, *HANDBOOK FOR STAFF DEVELOPMENT WORKSHOP IN INDIAN EDUCATION* (1976).

I have (perhaps) overstated my case—or so several traditionalist Native Americans with whom I have spoken have tried to convince me. There is a growing "grass roots" movement seeking federal and international recognition of sovereignty for indigenous peoples. These groups indeed may have preserved (or regained) the cultural traditions of their ancestors. However, the groups are not (yet) perceived as presenting a substantial threat to the status quo. Federal and state governments will never agree to Native American "cession," and Native Americans certainly do not possess the military power to effectuate that end.

151. That such is the case can be seen in the areas where Indians and whites are in conflict. The issues of fishing rights, water and mineral rights, and control of land containing vast quantities of resources whose exploitation has become economically feasible since the cost of long-used sources of energy have greatly increased, all have become areas of Indian/white and assimilated/traditional conflict in the past few years. It is my opinion that if the non-Indian sources of needed resources were to become either economically or absolutely inaccessible to those in the dominant culture, respect and tolerance for the existence of Indian identity and Indian ownership would vanish.

whatever reason—relativism as practice will again give way to the most appropriate and expedient alternative tactic.¹⁵²

CONCLUSION

Why it is that human cultures differ, one from another, remains unanswered. Theories of cultural development differ almost as much as do the cultures themselves. Prior to the early 1900s, the field of anthropology viewed these differences from a position of felt and articulated superiority. That which was not similar to the ways of the anthropologists was adjudged inferior. This ethnocentric attitude was relied upon to justify all sorts of actions directed toward the "inferior." Each discovery of difference became another feather in the cap of the West, every difference proving once again the degree to which Euro-American ways were superior to others.

During the early 1900s all this began to change. Academics began to question their own and their predecessors' ethnocentrism. Their culture had flaws that did damage to a belief in Western superiority. Cultures came to be viewed in light of their particular context and condition. Evaluation of one way of being vis-a-vis another was no longer possible; the designation of good and bad was idiosyncratic, a result of an acculturation process to which the evaluator was subject. One way of being was neither better nor worse, neither superior nor inferior to another.

The latter view, cultural relativism, has been adopted in one form or another by most modern anthropologists. According to the relativist position, one has no culturally free basis by which to make an evaluation of another culture or its practices. Beliefs and world views can be *neither true nor correct*, because all understanding is distorted by cultural assumptions. Truth—absolute

I am not alone in my beliefs. Conversations with traditional Indians and individuals associated with the Indian Law Resource Center share the belief that in many ways what is currently being called the "energy crisis" presents Indian cultures with what is perhaps their most severe threat since the arrival of the whites onto Indian land.

152. Although the thesis of this Article might seem overly conspiratorial in tone to some, there are others who will read it as mild and understated—perhaps even another "coverup" by a member of the dominant culture. Certain leaders in the cause of Indian rights have rejected the notion that the United States' policies toward the Indians in general and toward Indian education in particular were aimed unconsciously at assimilating Indians even when the stated government goals were self-determination. Rather, they insist that this end was never *unconscious*: that United States policy toward Native Americans has been a clever and purposeful vacillation designed to gain the trust of and eliminate Indians.

truth that transcends cultural boundaries—is no longer possible; all statements of “truth” are relative.

Neither ethnocentrism nor cultural relativism present palatable philosophical or practical positions. On the one hand, ethnocentrists tend to elevate their own ways of being in the world to a preferred and privileged position, simply because they are their own. That which is familiar and accepted is correct; difference is wrong or, perhaps, bad. One need not be tolerant of difference. Tolerance is a matter of grace; one is tolerant of difference because one chooses to be. The ethnocentric individual professes and represents the true, the good, the right.

On the other hand, relativism collapses under the weight of its own words. The relativist rejects the possibility of recognizing the true, the good, the right. One cannot condemn another culture's beliefs or practices as being wrong or evil, because to do so would suggest that one has a neutral place free from cultural bias upon which to stand and correctly evaluate the world. If one asserts the impossibility of knowing something for certain, there is likewise no reason to accept as true that very assertion; relativism asserts *as truth* that truth either cannot be known or does not exist. As such, relativism enjoys no privileged position.

Herskovits, Lowie, Benedict and others claim that cultural relativism is viable as a method of inquiry, a philosophy derived from that inquiry, and a practice grounded in that philosophy. Indeed, cultural relativism is exalted to a position of one of the superlative achievements of modern anthropology and social science. And yet, relativism is never taken to the extremes implied by its words. Self-described relativists draw practical lines beyond which they will not go. Tolerance and respect, the practical relativists' codes, go only so far. The relativist who will not tolerate the practices of Nazi Germany refuses to do so either because Nazi practices are *wrong* or because the relativist is afraid and knows no other course of action. According to relativist doctrine, the former reason is simply a brand of practice motivated by enculturated, ethnocentric beliefs and, therefore, wrong; the individual claims to be able to recognize objective “wrong” from a culturally biased position. The latter is no position whatever; it is simply a reaction to fear, born of ignorance.¹⁵³

153. Ignorant does not necessarily mean incorrect, but merely without understanding.

The doctrine of relativism is not coherent on its own terms. In practice, what passes for relativism is simply political activity; people (cultures) pursuing their own interests by the most appropriate means in light of the desired goals and the context within which actions are taken. Relativistic tolerance is practiced when cultural differences are not threatening. Tolerance can and does disappear as quickly as it appears; Indian ways are fine when those ways do not present too great an obstacle to the white man's desires, but they are wrong and intolerable when they do.

Prior to the entry of relativistic notions into the worlds of academia and government policy making, the Euro-American theory and practice of comparativism served as a justification for the education of non-Western cultures in the ways of the West. Cultural relativism has been understood, and indeed was touted as a reaction against racist practices and notions of cultural superiority permitted by these prior theories and practices; a "savior" in response to the often gross excesses practiced by the ethnocentric actor or thinker. However, far from its asserted freedom from culture and values, the new arrival on the Western intellectual scene was a politically motivated movement that substituted one erroneous notion for another. The error of the belief in Euro-American cultural superiority was replaced by a rationalized resignation to the absence of the possibility of finding substantive truth. Proponents of relativism substituted for obvious ethnocentrism what they claimed was a methodological practice which was free from the cultural bias and valued premises that had preceded. In fact, what they had "discovered" was simply another position rooted in the politics of its proponents, *and equally ethnocentric in its origin.*

Under the guise of neutrality, relativist doctrine has been used for the purpose of westernizing non-Western peoples, visiting "progress" on the world. This is not to say that the methods by which the westernization of other cultures took place did not, in some instances, change from the physically brutal impositions of Western wills, ways, values, and symbols upon other cultures; surely they did. Nor do I claim that the cultural relativists were intentionally malevolent, consciously seeking to replace obvious and heavy-handed apparatuses of cultural destruction with more subtle and perhaps more effective (by virtue of their disguise) mechanisms to accomplish the same thing. The point is, however, that

Euro-American ethnocentrism did *not* die with the introduction of relativism and the insistence upon its validity, feasibility, and moral necessity. Rather, relativism was adopted as a philosophical foundation, and quickly put to use as a mechanism whose implementation might succeed where the use of brutal physical oppression was no longer feasible, acceptable, or relevant to the never-ending task of educating the non-Western world in the ways of the West.

What then is this debate between the relativists and nonrelativists about? Are there really two sides, or are anthropologists, legal scholars, and philosophers making more of the dispute than there is?

There is surely some difference, but the difference does not lie in the lengthy discourse concerned with the relativistic nature of all experience and the impossibility of recognizing truth. The emergence of cultural relativism was a response to the atrocities that preceded—atrocities of science, philosophy, and practice. The relativists were not pleased with what was being done in the name of the good, the right, the true. It seems that cultural relativism can be understood as having been a caveat, a calling to the attention of researchers and policy makers that our knowledge indeed is limited and that much of what has been done in the name of the right has been unjustified. In its most favorable light, relativism asks the dominant and resourceful Westerners to think, to consider the consequences of their actions before acting on other cultures. We have no idea, cautions the relativist, whether our actions will result in good or harm. We have no idea whether or not what we understand about other cultures has any validity. Accordingly, when we do act we ought to do so with caution and concern.

Relativist method does not get one closer to the truth. Relativist philosophy is no philosophy at all. Relativist practice is neither more nor less than any other sort of politics. A discussion of relativism as any of these explains nothing, and does not justify its exalted place in either anthropology or cross-cultural policy planning. Relativism can be made palatable only if it is understood as an attempt by a group of individuals to impose an ethical standard—albeit their own ethical standard—on those who come into contact with other cultures. Seen in this light, relativism does not offer specific solutions to the cross-cultural actor. It does not tell us whether or not Hitler or Ghenghis Khan should have been

stopped. It does not tell us that a culturally dictated gang rape should be tolerated simply because it is the practice of another culture. It does not answer the questions of whether or not there is an absolute truth and whether or not we will be able to find it. What it does is remind us that when we do act or choose not to act on or with another culture, we ought to do so with the awareness that our actions may neither be right, nor good, nor true. It surely reminds us—by way of the insoluble dilemma it presents—that what we desperately need is what relativism rejects: *that which is true*.

Although they do not suffer from the same logical flaws shown to be fatal to the internal coherence and consistency of relativist doctrine, the ethnocentric theories of the past and the knowledge that comes from these must be rejected. However, they must *not* be rejected only because they have grown out of the particular conditions found in this or that culture. Rather, *they must be rejected because they are wrong, bad, and untrue*. That we cannot make such statements easily is no reason to embrace the relativist assertion of the impossibility of knowing truth. For without truth we are forced to live in a world where all human activity is a function of power, organized according to personal desire, where all we know is power, its users, its victims, the imposition of the wills of some on others with no justification but arbitrary desire.

